



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

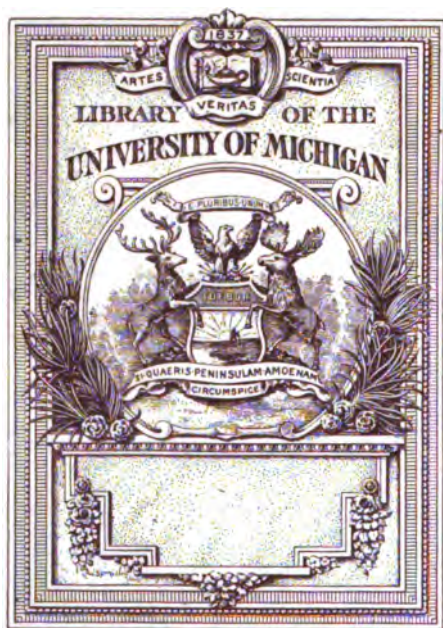
We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

**B** 449382



DA  
760  
T99  
1845





**HISTORY**  
**OF**  
**SCOTLAND.**

**VOL. II.**

**A**



**H I S T O R Y**  
**OF**  
**S C O T L A N D.**

**BY**  
**PATRICK FRASER TYTLER, ESQ.**

**THIRD EDITION.**

**VOLUME II.**

**EDINBURGH:**  
**WILLIAM TAIT, PRINCE'S STREET.**  
**MDCCCXLV.**

---

**EDINBURGH :**

**Printed by WILLIAM TAIT, 107, Prince's Street.**

## CONTENTS OF THE SECOND VOLUME.

---

### CHAP. I.

#### DAVID THE SECOND.

1346-1370.

	Page
Policy of Edward III. with regard to Scotland, . . . .	17
Execution of the Earl of Menteith, . . . .	18
William earl of Douglas returns from France, . . . .	ib.
Continued truces between Scotland and England, . . . .	19
David revisits his dominions upon his parole, . . . .	ib.
Pestilence in Scotland, . . . .	ib.
David's mysterious intrigues with Edward III. . . . .	20
Consents to recognise the King of England as his lord paramount, ib.	
Treachery of the Knight of Liddesdale, . . . .	ib.
David is forced to return to his captivity, . . . .	21
Murder of the Knight of Liddesdale, . . . .	22
Negotiations for David's ransom, . . . .	23
Arrival of the Sieur de Garencieres from France, . . . .	24
The negotiations for the king's ransom unsuccessful, . . . .	25
The English break the truce, . . . .	ib.
Action of Nesbit Moor, . . . .	26
Berwick taken by the Scots, . . . .	27
Edward III. invades Scotland at the head of a great army, . . . .	28
Berwick is taken, . . . .	ib.
Baliol, at Roxburgh, surrenders the kingdom to Edward, . . . .	29
Measures adopted by the Scots, . . . .	30
Splendour and strength of the English army, . . . .	31
The Earl of Douglas's able conduct, . . . .	ib.

	Page
Edward advances through Scotland, and destroys the country by fire and sword, . . . . .	31
His fleet is dispersed, and he is compelled to retreat, . . . . .	33
Resumes negotiations for peace, . . . . .	34
David's ransom is settled, . . . . .	35
The Steward calls a parliament, . . . . .	ib.
Final negotiation with regard to the king's liberty, . . . . .	37
Reflections on the state of the country, . . . . .	38
David returns to Scotland, . . . . .	ib.
Calls a parliament, . . . . .	ib.
Its important provisions, . . . . .	39
Edward III. changes his policy with respect to Scotland, . . . . .	42
His intrigues with the Scottish nobles, . . . . .	43
He favours the Scottish merchants, . . . . .	44
Passion amongst the Scots for foreign adventure, . . . . .	ib.
David pays the first instalment of his ransom, . . . . .	46
Opens a negotiation with France, . . . . .	47
Edward prevails on some of the Scottish barons to accompany him in his invasion of France, . . . . .	ib.
Treaty of Bretigny, . . . . .	48
France renounces her alliance with the Scots, . . . . .	ib.
Scotland visited by great inundations and the pestilence, . . . . .	ib.
Murder of Catherine Mortimer, the king's mistress, . . . . .	50
Secret negotiations with England, . . . . .	ib.
Commercial prosperity of Scotland, . . . . .	52
Scottish students flock to England, . . . . .	53
Death of Joanna the Scottish queen, . . . . .	54
Scottish parliament at Scone — David proposes to the Scottish estates, that Prince Lionel should succeed him in the throne, . . . . .	55
Indignant refusal of the parliament, . . . . .	56
Negotiation for a peace, . . . . .	57
The Steward and his party rise against David, . . . . .	58
Unusual energy of the king, . . . . .	59
The two parties compose their differences, . . . . .	60
The Steward renews his fealty, . . . . .	61
David's marriage with Margaret Logy, . . . . .	62
He throws the Steward into prison, . . . . .	ib.
David again engages in a secret treaty with England, . . . . .	63
Its terms and conditions, . . . . .	64
Sir Henry Picard's feast, . . . . .	68
Parliament at Perth, . . . . .	ib.
Its deliberations, . . . . .	69



# CONTENTS.

7

	Page
Negotiation between the English and Scottish commissioners,	72
Heads of a new treaty of peace, . . . . .	73
Truce prorogued for four years, . . . . .	ib.
Parliament at Perth, . . . . .	74
Its resolutions, . . . . .	ib.
State of the country, . . . . .	75
Edward's artful policy, . . . . .	ib.
His success in neutralising the spirit of opposition, . . . . .	76
His actual possessions in Scotland, . . . . .	78
He increases in his demands, . . . . .	ib.
Great exertions made by the Scots, . . . . .	79
Parliament convoked at Scone, . . . . .	80
Its deliberations and resolutions, . . . . .	ib.
Same subject continued, . . . . .	81
Rebellion in the north, . . . . .	83
Sumptuary laws, . . . . .	ib.
Fends amongst the Scottish nobles, . . . . .	85
Their contempt for the laws, . . . . .	ib.
Desert their country to engage in foreign wars, . . . . .	86
Serious defalcation in the revenue of the crown, . . . . .	ib.
Attempt of the parliament to re-establish it, . . . . .	87
Regulations regarding the Scottish estates in the hands of the English, . . . . .	88
Renewed attempt at negotiation, . . . . .	ib.
It proves abortive, . . . . .	89
David and his queen visit England, . . . . .	ib.
Extraordinary state of the relations between the two countries,	90
Power of Edward over Scotland, . . . . .	ib.
Parliament held at Scone, . . . . .	91
Account of its proceedings, . . . . .	92
Provisions for the defence of the country, . . . . .	ib.
The truce is within a year of its expiry, . . . . .	94
Miserable state of Scotland, . . . . .	ib.
Parliament make a last effort to pay the ransom, . . . . .	ib.
Edward again breaks with France, . . . . .	ib.
He is compelled to relax in his efforts against Scotland, . . . . .	96
The truce is renewed for fourteen years, . . . . .	ib.
David undertakes an expedition in person against the northern rebels, . . . . .	96
Submission of John of the Isles, . . . . .	ib.
Parliament at Perth, . . . . .	97
State of the kingdom, . . . . .	ib.

	Page
Innovation in the constitution of Parliament, . . . . .	97
Extraordinary and unjust measures as to the king's debts, . . . . .	98
Attempt to equalise the taxation, . . . . .	99
Regulations as to the administration of justice, . . . . .	100
Divorce of the queen, . . . . .	101
She carries her cause before the pope, . . . . .	ib.
Death of David II. . . . .	102
Character of this prince, . . . . .	ib.

## AN HISTORICAL INQUIRY INTO THE ANCIENT STATE OF SCOTLAND.

INTRODUCTORY REMARKS, . . . . .	107
---------------------------------	-----

### SECTION I.

GENERAL APPEARANCE OF THE COUNTRY, . . . . .	108
Covered by extensive forests and marshes, . . . . .	ib.
Royal castles, . . . . .	112
Baronial castles, . . . . .	113
Their number and extent, . . . . .	114
Cottages of the lower vassals around them, . . . . .	116
Villages situated on the large feudal estates, . . . . .	117
Condition of these early villages, . . . . .	118
Monasteries and religious houses, . . . . .	119
Their great number and extensive possessions, . . . . .	ib.
Early agriculture, . . . . .	121
Royal manors, . . . . .	ib.
Feudal estates belonging to the nobles and clergy, . . . . .	122
System of agriculture, . . . . .	123
Crops raised at this period, . . . . .	124
Farm stocking, animals, . . . . .	125
Breeding of horses, . . . . .	ib.
Flocks of sheep, cattle, swine, goats, . . . . .	126
Attention to the dairy, . . . . .	127
Poultry not neglected, . . . . .	128
Fish in great abundance, . . . . .	ib.
Attention paid to the fisheries, . . . . .	129

### SECTION II.

DISTINCT RACES IN SCOTLAND, . . . . .	130
Animosities between them, . . . . .	131

# CONTENTS.

9

	Page
Their marked differences under David I. . . . .	132
Same subject continued, . . . . .	133
Normans, Galwegians, Saxons, . . . . .	ib.
Norwegians, . . . . .	135
Blending of the Normans and Saxons, . . . . .	ib.
Ranks under the feudal government in Scotland, . . . . .	136
Power and consequence of the king, . . . . .	ib.
Wealth of the royal revenue, . . . . .	138
Sources of the royal revenue, . . . . .	139
Personal state of the Scottish king, . . . . .	140
Under Malcolm Canmore and Alexander I. . . . .	ib.
Under Alexander III. . . . .	141
Great officers of the crown, . . . . .	142
Justiciar, . . . . .	ib.
His authority pre-eminent, . . . . .	144
Of Norman origin, . . . . .	145
Chancellor, . . . . .	146
Early introduction of sheriffs, . . . . .	147
Greater barons had their sheriffs and other officers, . . . . .	148
Power of holding their own court, . . . . .	ib.
The clergy the first who obtain this, . . . . .	149
A superior baron a king in miniature, . . . . .	150
An inquest the common mode of determining disputes, . . . . .	151
Office of constable, . . . . .	152
Of marshal, . . . . .	ib.
Seneschal and chamberlain, . . . . .	ib.
Feudal system a barrier to improvement in Scotland, . . . . .	153
State of the lower orders, . . . . .	154
Liberi firmarii, or free farmers, . . . . .	ib.
Their rights, . . . . .	ib.
Villeyns, or bondmen, . . . . .	155
Situation of this class of men, . . . . .	ib.
Subject continued, . . . . .	156
The undoubted property of their master, . . . . .	ib.
Genealogies of slaves kept, . . . . .	157
Mark of freemen, . . . . .	159
Manumission of slaves, . . . . .	ib.
Continuance of slavery, . . . . .	160

## SECTION III.

ANCIENT PARLIAMENT OF SCOTLAND, . . . . .	161
National council, . . . . .	ib.

	Page
No parliament under David I. . . . .	162
Nor under Malcolm IV. . . . .	ib.
Or William the Lion, . . . . .	163
Traces of a parliament under this prince fallacious, . . . .	164
No parliament under Alexander II. . . . .	165
Proofs of this assertion, . . . . .	ib.
Subject continued, . . . . .	166
No parliament under Alexander III. . . . .	167
First appearances of a parliament after the death of this prince,	168
Appearance of the Scottish burgesses, . . . . .	169
State of the parliament under John Baliol, . . . . .	170
Same subject continued, . . . . .	171
Community of burghs appear by their representatives in 1305,	172
No record of a parliament during the war of liberty, . . . .	ib.
Parliament in 1315, . . . . .	ib.
Heads of the community of burghs sit in it, . . . . .	173
Parliament in 1326, . . . . .	174
Burghs certainly sent their representatives, . . . . .	ib.
Succeeded by a period of great confusion, . . . . .	175
Clear light as to the constitution of the Scottish parliament in 1357, . . . . .	176
Unquestionable evidence of the representation of the burghs,	ib.
Subject continued, . . . . .	177
Earliest appearance of committees of parliament, . . . . .	ib.
Conclusion of the subject, . . . . .	178

## SECTION IV.

EARLY COMMERCE AND NAVIGATION, . . . . .	179
Symptoms of commercial wealth at an early period, . . . .	180
Commerce under David I. . . . .	ib.
Introduction of the Flemings into Scotland, . . . . .	181
Early attention to ship-building and navigation, . . . . .	183
Flourishing state of the arts and manufactures in the Hebrides,	ib.
Riches of the Lords of Galloway, . . . . .	184
Ship-builders at Inverness in 1249, . . . . .	185
Clergy led the way in commercial enterprise, . . . . .	ib.
Exports of Scotland at this period, . . . . .	ib.
Wealth of the country derived from trade, . . . . .	186
Same subject continued, . . . . .	187
Rise of the towns and burghs, . . . . .	188
Collections of houses round the castles, . . . . .	189

# CONTENTS.

11

	Page
These villæ become mercantile communities, . . . .	190
Protected by the sovereign, . . . . .	ib.
Settlement of the English in these infant towns, . . . .	191
Earliest burghs in Scotland, . . . . .	ib.
The king their exclusive proprietor, . . . . .	192
Court of the Four Burghs, . . . . .	193
Burghs belonging to religious houses, . . . . .	194
And to the greater barons, . . . . .	ib.
Same subject continued, . . . . .	195
Increase in the trade and manufactures of Scotland, . . . .	ib.
Great commercial wealth of Berwick, . . . . .	196
Same subject, . . . . .	197
Constitution and magistracy of the burghs, . . . . .	ib.
Commerce of Scotland previous to the competition for the crown, . . . . .	198
Exports, . . . . .	199
Imports, . . . . .	200
Foreign trade under the reign of Bruce, . . . . .	201
Sources of national wealth at this period, . . . . .	202
Naval force of Scotland, . . . . .	203
Same subject continued, . . . . .	204
Mode of fitting out a fleet the same in both countries, . . . .	ib.
Scottish privateers larger than the English, . . . . .	205
They greatly annoy the English commerce, . . . . .	206
Scottish commerce in 1348, . . . . .	207
Money of Scotland, . . . . .	208
Silver money of Alexander I. and David I. . . . .	ib.
Frequency of clipping in England and Scotland, . . . . .	209
Depreciation of the money by Robert Bruce, . . . . .	210
Same depreciation in England by Edward III. . . . .	211
Depreciation of the Scottish money in 1354, . . . . .	212
Proclamation against it by Edward III. . . . .	ib.
Further depreciation of the Scottish money in 1366, . . . .	213
Effects of this depreciation, . . . . .	214
Early prices of labour and of the necessaries of life, . . . .	215
Price of grain, . . . . .	216
Price of provisions, . . . . .	217
Wages of labour, . . . . .	218
Same subject, . . . . .	219
Wages of labour continued, . . . . .	220
Price of luxuries, . . . . .	221
Same subject continued, . . . . .	222

	Page
Rent and value of land, . . . . .	223
In 1281 land valued at ten years' purchase, . . . . .	225

## SECTION V.

STATE OF THE EARLY SCOTTISH CHURCH, . . . . .	225
Religious instruction of the people neglected, . . . . .	ib.
Early relations with Rome, . . . . .	226
Struggles against the encroachments of the sees of York and Canterbury, . . . . .	ib.
These are successful, . . . . .	227
Contention with the Popedom, . . . . .	228
Firm character of William the Lion, . . . . .	229
His opposition to Pope Alexander is successful, . . . . .	ib.
High privileges conferred by Pope Lucius on the Scottish Church, . . . . .	ib.
Struggles of Alexander II. with the Popedom, . . . . .	230
This monarch excommunicated, . . . . .	ib.
Pope Honorius permits the Scottish clergy to hold a general council of their own authority, . . . . .	231
They take advantage of this temporary permission to establish a general right, . . . . .	ib.
The king refuses to admit a papal legate into his dominions	232
State of the church under Alexander III. . . . .	233
Learning of the church, . . . . .	234
Character of the scholastic learning of the time, . . . . .	235
Scholastic theology, . . . . .	236
Scottish scholars of those times, . . . . .	ib.
Richard St. Victor Sacrobosco, . . . . .	236
Michael Scott, . . . . .	237
The nobles and the people completely ignorant, . . . . .	239
Schools in the principal towns, . . . . .	240
In the monasteries and convents, . . . . .	ib.
Scottish college at Paris founded in 1325, . . . . .	241
Scholars educated abroad, . . . . .	ib.
Monkish annalists, . . . . .	242
Barbour, the metrical historian, . . . . .	244
Thomas the Rhymer, . . . . .	245
Romance of Sir Tristrem, . . . . .	ib.
Language of this period, . . . . .	246
Formation of the Scoto-Saxon, . . . . .	247
Norman-French understood by the Scottish nobles, . . . . .	248

	Page
Style and language of Sir Tristrem, . . . . .	250
Other early Scottish poets and romances, . . . . .	ib.
Huchon of the Awle Ryall, . . . . .	251
Wandering minstrels, . . . . .	252
Probably also poets, . . . . .	253
Harp, tabor, and the horn, used in Scotland, . . . . .	254
Minstrels in the time of Alexander III. . . . .	ib.
Robert Bruce kept his minstrels, . . . . .	255
Scottish ballad on the battle of Bannockburn, . . . . .	256
Enmity between the minstrels and the clergy, . . . . .	257
Music of this period, and musical instruments, . . . . .	258
A very dark subject, . . . . .	ib.
Organs under Alexander III. . . . .	260
Church music of the period, . . . . .	ib.
The clergy great encouragers of the useful and ornamental arts, . . . . .	261
Practised these arts themselves, . . . . .	262
Clergy the principal architects of the age, . . . . .	ib.
State of architecture, . . . . .	ib.
Early Saxon fortresses, . . . . .	263
Scoto-Norman castles, . . . . .	264
A description of their general construction, . . . . .	ib.
Caerlaverock in 1300, . . . . .	265
Most other castles similar to it, . . . . .	ib.
Great skill of the Norman architects, . . . . .	266
Disposition of the apartments in the castles, . . . . .	ib.
Randolph's hall at Darnaway, . . . . .	268
Outer fortifications of the castle, . . . . .	269
Apartments of wood, . . . . .	270
Bedford castle, as described by Camden, . . . . .	271
Houses within burgh built of wood, . . . . .	272
Monasteries, Gothic architecture, . . . . .	273
Ingenuous hypothesis of Sir James Hall, . . . . .	274
Our earliest Norman architects instructed by Italians, . . . . .	ib.
Ancient wooden churches, . . . . .	275
First introduction of the ribbed ceiling in stone, . . . . .	ib.
Teutonic style, . . . . .	276
Travelling corporations of Roman architects, . . . . .	ib.
Sir Christopher Wren's description of them, . . . . .	277
Introduction of the Gothic architecture into Scotland, . . . . .	278
Took place in the beginning of the twelfth century, . . . . .	ib.



## SECTION VI.

	Page
SPORTS AND AMUSEMENTS OF ANCIENT SCOTLAND,	279
Hunting,	ib.
Its ancient laws in Scotland,	280
State of, under David I.	281
And Alexander III.	282
Hawking,	ib.
Light thrown on hunting by the Romance of Sir Tristrem,	283
Robert Bruce fond of hunting,	284
Scottish stag-hounds,	285
Hawks imported from Norway,	ib.
Amusements within doors,	287
Banquets,	ib.
Their great splendour,	288
Early appearance of chivalry in Scotland,	289
Faint traces of it under Duncan,	290
And Alexander I.	ib.
Its subsequent progress,	291
Under William the Lion,	ib.
Crusades,	292
Tournaments,	ib.
Chivalry under Robert Bruce,	293
Contrast between the chivalrous character of Bruce and Edward III.	294
Sternness of Bruce in enforcing military discipline,	295
Arms and dress of this period,	296
Dress and arms of the Celtic tribes under David I.	ib.
Same subject continued,	297
Arms and dress of the Scoto-Saxons,	298
Same subject,	299
Changes introduced by the Normans,	300
Same subject,	301
Arms of the Scoto-Normans,	ib.
Subject continued,	302
Body-armour,	ib.
Horse-armour,	304
Arms of the lower classes,	305
Battle-axe, iron mace, short daggers, used by the Scottish knights,	306
Armour of David earl of Huntingdon,	307
Shield used by the Scottish knights,	308

# CONTENTS.

15

	Page
Friendship between William the Lion and Richard I. . . . .	308
Its effects, . . . . .	ib.
Armour of Alexander II. . . . .	309
Similarity in the arms and military costume of both countries, under subsequent kings, . . . . .	ib.
Science of war the same in both, . . . . .	310
Same subject continued, . . . . .	311
Attack and defence of fortified places, . . . . .	ib.
Inferiority of the Scots in the use of the bow, . . . . .	312
It never became a national weapon as in England, . . . . .	313
Assize of arms by Robert Bruce in 1319, . . . . .	ib.
Civil dress of the times, . . . . .	314
Dress of kings and nobles, . . . . .	ib.
Female costume, its great elegance, . . . . .	315
Same subject continued, . . . . .	316
Dress of the ladies in France, England, and Scotland, the same, . . . . .	ib.
Description of female dresses in the Romance of The Rose, . . . . .	ib.
Picturesque effect of the dress of the times, . . . . .	317
Useful and ornamental arts, . . . . .	318

## CHAP. III.

### ROBERT THE SECOND.

1370—1390.

Accession of Robert the Second, . . . . .	321
Unexpected opposition by the Earl of Douglas, . . . . .	ib.
Obscurity of the motives which guided him, . . . . .	322
Spirited conduct of Sir Robert Erskine, and the Earls of March and Moray, . . . . .	ib.
Douglas renounces his opposition, . . . . .	ib.
Coronation of the king, . . . . .	323
Indolent character of the new monarch, . . . . .	324
Situation of the country, . . . . .	325
Condition of England, . . . . .	326
Same subject continued, . . . . .	327
Scotland enters into a new treaty with France, . . . . .	328
Symptoms of hostility on the part of England, . . . . .	329
Parliament held at Scone, March 2, 1371, . . . . .	330

	Page
Death of the Black Prince, . . . . .	331
And of Edward Third, . . . . .	ib.
Causes of animosity between the two countries, . . . . .	332
The Earl of March sacks and burns the town of Roxburgh, . . . . .	333
The borderers fly to arms, . . . . .	ib.
Warden raid by Hotspur, . . . . .	ib.
Singular dispersion of the English army, . . . . .	334
Mercer, a Scottish naval adventurer, infests the English shipping, . . . . .	335
The fleet consists of Scottish, French, and Spanish privateers, . . . . .	ib.
Mercer is taken by Philpot, a London merchant, . . . . .	ib.
Observations on the mutual situation of the two countries, . . . . .	336
Perpetual infringements of the truce, . . . . .	ib.
Berwick taken by Sir Alexander Ramsay, . . . . .	337
Retaken by the Earl of Northumberland, . . . . .	ib.
Conflict between Sir Archibald Douglas and Sir Thomas Musgrave, . . . . .	338
Invasion of Scotland by John of Gaunt, . . . . .	339
Cessation of hostilities, . . . . .	ib.
Insurrection of Tyler, during which the Earl of Lancaster finds a retreat in Scotland, . . . . .	ib.
New treaty with France, . . . . .	340
Truce with England expires, and war recommences, . . . . .	341
John of Gaunt again invades Scotland, . . . . .	ib.
He advances to Edinburgh, . . . . .	ib.
Truce between France and England notified in Scotland, . . . . .	342
A party of French knights arrive in Scotland, and Lancaster retreats to England, . . . . .	ib.
The king desirous for peace, but the nobles determine to continue the war, . . . . .	ib.
They break the truce and invade England, . . . . .	343
Parliament meets at Edinburgh, . . . . .	344
Its various provisions, . . . . .	ib.
Same subject continued, . . . . .	346
Expedition of John de Vienne, admiral of France, into Scotland, . . . . .	347
The French determine to attack England at the same time by sea, . . . . .	348
Vienne's fleet arrives in Scotland, . . . . .	ib.
Difficulty of finding them quarters—discontent of the Scots, . . . . .	349
Scottish peasantry rise against them, . . . . .	350
Scottish king arrives at Edinburgh, . . . . .	ib.

	Page
He is anxious for peace, but is overruled, . . . . .	350
An army of thirty thousand horse assembled near Edinburgh,	ib.
Council of war, and regulations for the conduct of the army,	351
Commencement of the campaign, . . . . .	ib.
King of England assembles a great army, . . . . .	352
Tactics of the Scots and French, . . . . .	ib.
Disadvantages under which the English made war in Scotland,	353
Discontent of the French, in not being allowed to fight, .	354
Anecdote of Vienne and Douglas, . . . . .	355
Richard the Second pushes on to the capital, . . . . .	ib.
Devastations committed by the English, . . . . .	ib.
Edinburgh burnt, . . . . .	ib.
Dreadful distress of the army, . . . . .	ib.
Richard compelled to retreat, . . . . .	356
Scots and French break into England by the western marches,	ib.
Ravage Cumberland, . . . . .	ib.
Return to Scotland, . . . . .	ib.
Discontent of the Scots, who refuse to furnish transports for the French, . . . . .	357
Miserable condition of the army of Vienne, . . . . .	ib.
The French admiral at length obliges himself to pay all damages, and his knights are allowed to return, . . . . .	ib.
Reflections upon the expedition, . . . . .	358
Continuation of the war, and invasion of England, . . . .	359
Scottish descent upon Ireland, . . . . .	360
Character of Sir William Douglas, . . . . .	361
He assaults and plunders Carlingford, and ravages the Isle of Man,	ib.
Lands at Lochryan, and joins his father and the Earl of Fife in the west of England, . . . . .	362
Great invasion of England determined on in a parliament held at Edinburgh, . . . . .	ib.
Description of the army, . . . . .	363
Plan of the campaign, . . . . .	ib.
Army separates into two divisions, . . . . .	ib.
Second division, under the Earl of Douglas, pushes on to Durham,	364
Hotspur and the barons of Northumberland assemble their power, and occupy Newcastle, . . . . .	365
The Scots present themselves before the town, . . . . .	ib.
Skirmish between the knights, in which Douglas wins the pennon of Hotspur, . . . . .	ib.
Defiance of Hotspur, . . . . .	366

	Page
The Scots are suffered to continue their retreat, . . .	366
Encamp in Redesdale, near Otterburn, . . .	ib.
Douglas prevails on the Scottish barons to interrupt their retreat, and assault the castle of Otterburn, . . .	ib.
His motives for this, . . .	367
His judicious choice of the ground, . . .	ib.
Hotspur pursues Douglas at the head of eight thousand foot and six hundred lances, . . .	ib.
Battle of Otterburn, and death of Douglas, . . .	368
English totally defeated—captivity of Hotspur, . . .	370
Reflections upon the battle, . . .	ib.
Causes of the defeat of the English, . . .	371
Distinguished prisoners, . . .	372
No important consequences result from this defeat, . . .	373
State of Scotland—age and infirmities of the king, . . .	ib.
The Earl of Fife chosen regent—his character, . . .	374
His injudicious administration, . . .	ib.
Three years' truce, . . .	375
Death of Robert the Second, . . .	ib.
His character, . . .	376
Commerce of Scotland, . . .	377

## CHAP. IV.

## ROBERT THE THIRD.

1390-1424.

Coronation of John earl of Carrick, . . .	378
He assumes the name of Robert the Third, . . .	ib.
Character of the new king, . . .	379
State of the country, . . .	ib.
Earls of Fife and Buchan—their great power, . . .	380
Anecdote illustrative of the times, . . .	381
Indolence of the king—intrusts the Earl of Fife with the manage- ment of the government, . . .	382
Mutual situation of the two countries, . . .	ib.
Truce of eight years, . . .	383
Atrocious conduct of the Earl of Buchan, . . .	ib.

	Page
His natural son, Duncan Stewart, ravages Aberdeenshire, . . .	383
Combat at Gasklune—the ketherans defeat the lowland barons, . . .	384
Disorganized state of the country, . . . . .	ib.
Combat on the North Inch of Perth between the clan Kay and the clan Quhete, . . . . .	385
Its results, . . . . .	387
Government of the northern parts of the kingdom committed to the king's eldest son, David earl of Carrick, . . . . .	ib.
State of the two countries, . . . . .	ib.
Prevalence of chivalry and knight-errantry, . . . . .	388
Anecdotes connected with this, . . . . .	ib.
Parliament at Perth, April 28, 1398, . . . . .	390
David earl of Carrick created Duke of Rothesay, . . . . .	ib.
His character, . . . . .	391
Bands entered into between the king and his nobles, . . . . .	ib.
Observations on the state of the country, . . . . .	393
Albany resigns the office of governor, . . . . .	394
Parliament held at Perth, January 27, 1398, . . . . .	ib.
Its proceedings, . . . . .	395
Duke of Rothesay made king's lieutenant, and a council appointed to advise him, . . . . .	ib.
Further proceedings of the parliament, . . . . .	396
Accession of Henry the Fourth, and reported murder of King Richard, . . . . .	399
Reports arise that Richard is still alive, . . . . .	400
A real or pretended Richard appears in Scotland, . . . . .	ib.
Situation of that country, . . . . .	402
Contentions between the Earls of March and Douglas, regarding the marriage of the Duke of Rothesay, . . . . .	ib.
Rothesay is married to Elizabeth Douglas, . . . . .	403
The Earl of March enters into a correspondence with England, . . . . .	ib.
Flies to the English court, . . . . .	ib.
Borderers recommence their ravages, . . . . .	404
March, along with Hotspur, invades Scotland, . . . . .	405
Expedition of Henry the Fourth into Scotland, . . . . .	ib.
Details of this invasion, . . . . .	406
Henry's moderation, . . . . .	ib.
Meeting of the Scottish parliament, February 21, 1401, . . . . .	409
Its proceedings, . . . . .	410
Wild and reckless character of the Duke of Rothesay, . . . . .	420
Contrast between his character and that of his uncle Albany, . . . . .	421

	Page
Death of the queen and the Earl of Douglas, . . . .	422
Intrigues of Sir John de Ramorgny, . . . .	ib.
Character of this intimate of the prince, . . . .	423
Albany and Ramorgny form a plot for the destruction of the prince, . . . .	424
He is murdered by their contrivance, . . . .	425
Conduct of the Scottish parliament, . . . .	426
Albany resumes his situation as governor, . . . .	427
Conflict at Nesbit Moor—Scots defeated, . . . .	428
Scots invade England, . . . .	429
Battle of Homildon Hill, . . . .	431
Scots entirely defeated, . . . .	433
Causes of this, . . . .	434
Events which followed the defeat, . . . .	ib.
Cruelty of Hotspur, . . . .	435
Conspiracy of the Percies, . . . .	436
Its connexion with Scotland, . . . .	437
Battle of Shrewsbury, . . . .	438
Able conduct of the Earl of March, . . . .	439
Death of Hotspur, . . . .	440
The Duke of Albany retreats, . . . .	441
Murder of Sir Malcolm Drummond, . . . .	442
Alexander Stewart seizes Kildrummie, and marries the Countess of Mar, . . . .	ib.
Extraordinary proceedings at the castle of Kildrummie, . . . .	443
State of Scotland, . . . .	ib.
The heir of the throne is committed to the charge of the Bishop of St. Andrews, . . . .	444
Effects of the captivity of the nobles on the state of the country, . . . .	445
Reports that Richard the Second is kept in Scotland, . . . .	446
Conspiracy of the Countess of Oxford, . . . .	ib.
Conspiracy of Scrope and Northumberland, . . . .	447
Scrope and Mowbray seized and beheaded, . . . .	448
Percy and Lord Bardolf fly into Scotland, . . . .	ib.
Albany's administration becomes unpopular with some of the nobles, . . . .	450
They determine to send the heir of the throne to France, . . . .	ib.
The prince on his passage is treacherously captured by the English, . . . .	451
And confined in the Tower, . . . .	ib.



# CONTENTS.

21

	Page
Albany's satisfaction at this event, . . . . .	452
Skirmish at Lang-Hermandston, and death of Sir David Fleming, . . . . .	ib.
Death of Robert the Third, . . . . .	453
Character of this monarch, . . . . .	ib.

## HISTORICAL REMARKS

### ON THE

## DEATH OF RICHARD THE SECOND.

Obscurity which hangs over the accounts of Richard's death, . . . . .	459
Reports of his having escaped to Scotland, . . . . .	ib.
Statement of the author's views on this point, . . . . .	460
Proofs of his escape to Scotland, . . . . .	ib.
Evidence of Bower, . . . . .	ib.
Evidence of Winton, . . . . .	463
Opinion as to Winton's testimony, . . . . .	465
His caution accounted for, . . . . .	466
Corroborations of his evidence as to Swinburn and Waterton, . . . . .	467
Proofs from a MS. in Advocates' Library, . . . . .	468
Conclusions from the above evidence, . . . . .	469
Passages from the Chamberlain Accounts, . . . . .	ib.
Their unquestionable authenticity, . . . . .	471
Inferences to be deduced from them, . . . . .	ib.
Proofs from contemporary English writers, . . . . .	ib.
From Walsingham, . . . . .	472
From Otterburn, . . . . .	ib.
From a contemporary French MS. . . . .	473
Chronicle of Kenilworth, . . . . .	ib.
Of Peter de Ickham, . . . . .	474
Assertions of the king's escape by contemporary writers, . . . . .	ib.
Conspiracy of the Earls of Kent, Surrey, and Salisbury, . . . . .	ib.
Passage as to Maudelain personating the king, . . . . .	476
Observations on this, . . . . .	477
Richard's reported death at Pontefract, . . . . .	478
Exposition of the body, and funeral service at St. Paul's, . . . . .	479
Passage descriptive of the ceremony, from a contemporary French MS. . . . .	ib.
Observations upon this, . . . . .	480

	Page
Assertions in a contemporary French MS. that it was not the body of the king, . . . . .	480
But of Maudelain the priest, . . . . .	481
Arguments to show it was not the body of the king which was exposed, . . . . .	482
Burial at Langley, . . . . .	483
Froissart's account of Richard's deposition extremely inaccurate,	484
Reports of Richard's escape, which arose soon after this exposi- tion, . . . . .	ib.
Frequent conspiracies against Henry, always accompanied with the assertion that Richard is alive, . . . . .	ib.
Eight Franciscan friars hanged in London for asserting this,	485
Prior of Launde executed for the same offence, . . . . .	ib.
And Sir Roger de Clarendon, . . . . .	ib.
Proofs of this from Henry's proclamations in the <i>Fœdera Angliæ</i> ,	ib.
Reports in 1402, . . . . .	486
Rebellion of the Percies in 1403, . . . . .	487
Evidence in their letter of defiance in 1403, contradicted by their manifesto in 1405, . . . . .	ib.
Conspiracy of Serle and the countess of Oxford in 1404, . . . . .	488
Opinion as to Serle having procured Warde to personate the king, . . . . .	489
Henry's assertion not to be credited—contradicted by the silence of Walsingham and Otterburn, . . . . .	490
Proofs from the conduct of Henry after this conspiracy,	ib.
King believed to be alive by the French, . . . . .	491
Epistle by Creton, addressed to Richard in 1405, . . . . .	493
Conspiracy of Scrope and Northumberland in 1405, . . . . .	ib.
Proofs from this conspiracy, . . . . .	ib.
Letter of Northumberland to the Duke of Orleans, . . . . .	494
State of parties in Scotland at this time, . . . . .	496
Prince James taken prisoner by the English, . . . . .	ib.
Consequences of Henry becoming possessed of James the First, at the same time that Albany gets possession of Richard,	497
Conspiracy by Northumberland and Lord Bardolf in 1407,	498
Suppression of this conspiracy, . . . . .	ib.
Conspiracy of the Earl of Cambridge and Lord Scrope, in 1415,	500
Proofs arising out of this conspiracy that Richard is alive, . . . . .	ib.
Evident contradiction and falsehood of the account given in the Parliamentary Rolls, . . . . .	501
Explanation of the real object of the conspirators, . . . . .	504

## CONTENTS.

23

	Page
Conspiracy of 1417, . . . . .	504
Alleged plot of the Duke of Orleans to bring in the "Mamuet" of Scotland, . . . . .	506
Evidence of Lord Cobham that Richard is alive in 1417,	507
Observations on this evidence, . . . . .	ib.
Conclusion, . . . . .	509
NOTES AND ILLUSTRATIONS, . . . . .	513



# HISTORY

OF

# SCOTLAND.

---

## CHAP. I.

### DAVID THE SECOND.

1346—1370.

---

#### CONTEMPORARY PRINCES.

*King of England.*

Edward III.

*King of France.*

Philip of Valois.

*Popes.*

Clement VI.  
Innocent VI.  
Urban V.

UPON the part of England, the policy of Edward the Third towards Scotland was different from that of his predecessor. There was now no talk of conferring the crown upon Baliol. The persuasion in England seems to have been, that the battle of Durham, and the acquisition of the border provinces, had decided its fate as a conquered country. A conference upon the subject was appointed to be held at Westminster, to which were summoned the prelates and barons of the northern provinces; an English justiciary was appointed for the new kingdom; and the Barons Lucy, Dacre, and Umfraville, were directed to accept the fealty of a people whom, with premature triumph,

VOL. II.

B

they believed ready to submit to the yoke of England.<sup>1</sup>

Whilst such was the course of events in Scotland, the English king endeavoured to strike a panic into the few barons who remained to defend their country, by the trial of the Earls of Menteith and Fife, made prisoners at the battle of Durham. Both were found guilty of treason, on the ground of their having risen in arms against their liege lord, Edward the Third. Menteith was executed, and his quarters, in the savage spirit of the times, parcelled over the kingdom.<sup>2</sup> The Earl of Fife, after condemnation, had his life spared, from his relationship to Edward the First. These trials were followed by the seizure of all ecclesiastical lands belonging to churchmen who were unfavourably disposed to England, by the resumption into the hands of the crown of all the estates in that country which had been given to English subjects, and by the imposition of additional duties on the commodities exported from Berwick. Edward's object in all this was, in the impoverished state of his exchequer, to collect funds for payment of the army which it was intended to lead against Scotland. But, fortunately for that country, a new war proved, at this conjuncture, highly unpopular amongst the English barons.<sup>3</sup> Their sovereign, notwithstanding all his efforts, was distressed for money, and engrossed with his ambitious schemes in France. It was at this time, when all looked so dark and hopeless, that William lord Douglas, nephew of the Good Sir James, who had been bred to arms in the wars of France, returned to Scot-

<sup>1</sup> Rotuli Scotiæ, 10th Dec. 20 Edward III. vol. i. p. 679. Ibid. vol. i. p. 684, 21 Edward III. 14th Feb. 1346. Ibid. vol. i. p. 687.

<sup>2</sup> Rotuli Scotiæ, vol. i. p. 689, 6th March, 1346-7; Ayloffe, p. 203.

<sup>3</sup> Rotuli Scotiæ, vol. i. p. 687.

land. In him the Steward soon found an able assistant. Possessing the military talents which seem to have been then hereditary in the family, he soon expelled the English from Douglasdale, took possession of Ettrick Forest, and, raising the men of Teviotdale, cleared that district from the invaders.<sup>1</sup>

Edward's desire of recruiting his coffers, by the high ransom which he knew must be paid for the Scottish king, and the many noble prisoners, taken at Durham, induced him to postpone his projected invasion of Scotland,<sup>2</sup> and to enter into negotiations, which concluded in a truce.<sup>3</sup> This cessation of hostilities continued, by means of successive prolongations, for six years. But the liberty of the king was a matter of more difficult arrangement. After many conferences, which were protracted from year to year, the conditions demanded by Edward were refused; and David revisited his dominions only upon his parole, having left seven youths, of the noblest families in the country, as hostages for his return.<sup>4</sup>

During his captivity, a dreadful visitant had appeared in his dominions, in the shape of a pestilence, more rapidly destructive than any hitherto known in modern times. This scourge had already, for many years, been carrying its ravages through Europe, and it now at last reached Scotland.<sup>5</sup> It is a remarkable fact, that when the great European pestilence of the seventh century was at its height, the Picts and Scots of Britain were the only nations who did not suffer from its ravages. But the exemption was now at an end; and, owing to whatever causes, the calamity fell

<sup>1</sup> Winton, vol. ii. pp. 269, 270.

<sup>2</sup> Rymer's *Fœdera*, vol. v. pp. 646, 647.

<sup>3</sup> *Rotuli Scotiæ*, 15th April, 21 Edward III. p. 694.

<sup>4</sup> Rymer, vol. v. pp. 724, 727.

<sup>5</sup> Fordun a Goodal, vol. ii. p. 347.



with as deadly force on Scotland as on any other part of Europe.<sup>1</sup>

Not long after David's return, a commissioner arrived from Edward, who appears to have been intrusted with a secret and important communication to the King of Scotland and Lord William Douglas.<sup>2</sup> Although, from the brief and unsatisfactory document which notices this transaction, much mystery hangs over it, yet enough is discoverable to throw a deep shade upon the character of the Scottish king. Worn out by the prospect of a long captivity, rendered doubly bitter by his recent taste of the sweets of liberty, he had agreed to sacrifice the independence of his kingdom to his desire of freedom; and there yet remain in the chapter-house at Westminster two instruments, in which David recognizes the King of England as his lord paramount, and consents to take the oaths of homage.<sup>3</sup>

When the country was thus betrayed by its king, we can scarcely wonder that the fidelity of some of the nobles began to waver. Many of the inferior barons and prisoners who were taken at the battle of Durham, by this time had paid their ransom and returned to Scotland, where they joined the Steward and his friends in their opposition to Edward. But the prisoners of highest rank and importance were kept in durance, and amongst these the Knight of Liddesdale. This leader, deservedly illustrious by his military talents and success, but cruel, selfish, and ambitious, was a second time seduced from his allegiance, and agreed to purchase his liberty at the expense of

<sup>1</sup> Macpherson's *Notes on Winton*, vol. ii. p. 512. Fordun a Hearne, p. 1039.

<sup>2</sup> Rymer's *Fœdera*, vol. v. p. 737, 738.

<sup>3</sup> Ayloff's *Calendars of Charters*, p. 299.

becoming a retainer of Edward. He consented to allow the English to pass unmolested through his lands, and neither openly nor secretly to give assistance to his own country, or to any other nation, against the King of England; from whom, in return for this desertion, he received a grant of the territory of Liddesdale, besides other lands in the interior of Annandale.<sup>1</sup> There seems to be strong presumptive ground to conclude, that the secret intercourse, lately carried on with England, related to these base transactions, and that David had expected to procure the consent of his people to his humiliating acknowledgment of fealty to Edward. But the nation would not listen to the proposal for a moment. They longed, indeed, for the presence of their king, and were willing to make every sacrifice for the payment of his ransom; but they declared, with one voice, that no consideration whatever should induce them to renounce their independence, and David was reluctantly compelled to return to his captivity in England.<sup>2</sup>

The Scottish king and the Knight of Liddesdale had expected to find in Lord William Douglas a willing assistant in their secret intrigues and negotiations; but they were disappointed. Douglas proved the steady enemy of England; and aware of the base game which had been played by Liddesdale, he defeated it by breaking into Galloway at the head of a powerful force, and compelling the wavering barons of that wild and unsettled district to renounce the English alliance, and to swear fealty to the Scottish king.<sup>3</sup> At the same time, Roger Kirkpatrick wrested from the English the important castles of Caerlaverock

<sup>1</sup> Rymer's *Fœdera*, vol. v. p. 739. *Rotuli Scotiæ*, 18th July, 26 Edward III. vol. i. p. 753.

<sup>2</sup> Knighton, p. 2603.

<sup>3</sup> Fordun a Goodal, vol. ii. p. 356.

and Dalswinton, and preserved in its allegiance the territory of Niddesdale; whilst the regent of the kingdom, assisted by his son, afterwards king, collected an army, and making his head-quarters in Annandale, where disaffection had chiefly spread, contrived to keep that district in tranquillity. The intrigues of the Knight of Liddesdale were thus entirely defeated. He had hoped to make Annandale the central point from which he was to commence his attack, and to reduce the country under his new master Edward; but, on his return from captivity, he found his treachery discovered, and his schemes entirely defeated.

Since the death of the Good Sir James, the Douglasses had looked to the Knight of Liddesdale as their head, and the chief power of that family had centred in this baron. But the murder of Ramsay, his loose and fierce habits, and the stain thrown upon him by consenting to become the vassal of England, all contributed to render him odious to his countrymen, and to raise, in bright opposition to his, the character of William earl of Douglas, his near kinsman. This seems to have excited a deadly enmity between them; and other circumstances contributed to increase the feeling. The Earl of Douglas had expelled the English from Liddesdale and Annandale, and was in possession of the large feudal estates of the family. On the other hand, the Knight of Liddesdale, during his treasonable intercourse with England, obtained a grant of Hermitage castle and the whole of Liddesdale from Edward; nor was he of a temper to consent tamely to their occupation. These causes, increased, it is said, by a jealousy on the part of the earl, who suspected his countess of a partiality for his rival, led to an atrocious murder. As Liddesdale was hunting in

Ettrick Forest, he was beset and cruelly slain by his kinsman, at a spot called Galford.<sup>1</sup> The body was carried to Lindin Kirk, a chapel in the Forest, not far from Selkirk, where it lay for some time. It was then transported to Melrose, and buried in that ancient abbey.<sup>2</sup> The deed was a dark and atrocious one, and conveys a melancholy picture of the fierce and lawless state of Scotland. But Liddesdale met with little sympathy: to gratify his own private revenge, he had been guilty of repeated murders; and his late treaty with Edward had cancelled all his former services to his country.

Since the commencement of his captivity, David had now made three unsuccessful attempts to negotiate for his liberty;<sup>3</sup> but many circumstances stood between him and freedom. The English king continued to confer on Baliol, who lived under his protection, the style of King of Scotland, and refused to David his royal titles;<sup>4</sup> and although it was evident that Edward's real intentions were to subdue Scotland for himself, while this nominal monarch was merely employed as a tool to be thrown aside at pleasure, yet so long as his avowed purpose was the restoration of Baliol, there was a consistency in keeping his rival in durance. On the other hand, whatever disposition there might be on the part of the Scots to shut their eyes to the failings of the son of Bruce, his character had sunk in their estimation, and he had deservedly become an

<sup>1</sup> Fordun a Hearne, p. 1041.

<sup>2</sup> Hume's Douglas and Angus, vol. i. p. 143. Hume has quoted a single stanza of an old ballad made on this mournful occasion.

"The Countess of Douglas out of her bower she came,  
And loudly there did she call,  
'It is for the Lord of Liddesdale  
That I let the tears down fall.'"

<sup>3</sup> In 1348, 1350, and 1353.

<sup>4</sup> Rymer, vol. v. pp. 788, 791.

object of suspicion and distrust. The brilliant and commanding talents of Edward the Third had acquired a strong influence over his mind ; he had become attached to the country and manners of his enemies, and, in the absence of his queen, had formed an unworthy connexion with a lady of the name of Mortimer. The return, therefore, of David, was an event rather to be deprecated, than desired, by the country. The Steward, with the barons of his party, dreaded not only the loss of his own personal consequence, and the establishment on the throne of a sovereign whom he knew to be his enemy ; but, what was still more intolerable, they saw in it the establishment of the superiority of England, and the vassalage of their own land. It is to this cause, assuredly, that we are to attribute the coldness and reluctance with which the negotiations proceeded. They were, however, at length concluded at Newcastle, in the month of July, 1354, by a treaty, in which David's ransom was fixed at ninety thousand marks,—an enormous sum for that period ; and it was stipulated that this money was to be paid in nine years, at the rate of ten thousand marks annually.<sup>1</sup>

The commissioners who conducted the negotiations for this treaty, were the Bishops of St Andrews and Brechin, along with Patrick Dunbar earl of March, one of the few Scottish earls who had escaped captivity at the battle of Durham ; but, previous to its ratification, Eugene de Garencieres, who had already served in the Scottish wars, arrived upon a mission from the court of France, at the head of a body of sixty knights, and bringing with him a seasonable subsidy of French gold, in the shape of forty thousand *moutons*

<sup>1</sup> Rymer's *Fœdera*, vol. v. p. 791.

*d'or*, which were distributed by him amongst the Scottish nobles.<sup>1</sup>

The coming of this ambassador produced a great change. The treaty of ransom had been especially unpopular with the patriotic party in Scotland, as the sum stipulated was far too heavy a drain upon the country. It had not yet received the consent of the regent, or the final ratification of the estates of the realm; and Garencieres found little difficulty in persuading them to give up all thoughts of peace, and to seize the earliest opportunity of recommencing hostilities. For the present, therefore, the King of Scotland, who had seen himself on the point of regaining his liberty, was remanded to the Tower; and an invasion of England resolved on as soon as the truce expired.<sup>2</sup> Yet the English themselves were the first aggressors, in a border inroad, in which they laid waste the extensive possessions of the Earl of March.<sup>3</sup>

To revenge the insult, this nobleman, along with the Earl of Douglas and a large body of men-at-arms, who were reinforced by the French knights and soldiers, under the command of Garencieres, marched towards the borders, and occupied a strong pass near Nesbit Moor, where the hilly country, and the tortuous nature of the road, allowed them to form an ambuscade. They then despatched Sir William Ramsay of Dalhousie, having four hundred men under his banner, to cross the Tweed, and plunder the village of Norham, and the adjacent country. It was the constant policy of Edward to keep a strong garrison in Norham castle. Its vicinity to the borders made it one of the keys to England on the east marches; it

<sup>1</sup> Winton, vol. ii. p. 271. Macpherson's Notes, p. 512. Leland's Collect. vol. i. p. 564.

<sup>2</sup> Rotuli Scotiæ, vol. i. p. 779.

<sup>3</sup> Fordun a Hearne, p. 1043.

was exposed to perpetual attacks, and, in consequence, became the general rendezvous of the bravest and most stirring spirits in the English service. Ramsay executed his task of destruction with unsparing fidelity; and in his retreat took care to drive his booty past under the walls of the castle. The insult, as was expected, brought out the whole English garrison upon them, led by the constable, Sir Thomas Grey, and Sir James Dacre. After a short resistance, Ramsay fled to where the Scottish army lay concealed; and the English pursuing, suddenly found themselves, on turning round the shoulder of a mountain, in presence of the well-known banners of Douglas. Retreat was now impossible, and resistance almost equally fruitless, for Douglas greatly outnumbered the English; but it was the age of chivalry, and the constable of Norham was a true disciple of the order.<sup>1</sup> Forming his little band around him, he called for his son, and made him a knight on the field; he then commanded his men-at-arms to dismount, and fight on foot with the archers; after which, he and his brother knights attacked the Scots with the greatest courage, and performed what, in the language of those times, were denominated "many fair passes of arms." In the end, however, he was compelled to surrender to Douglas, along with his son, Dacre, and the whole garrison. After the fight, there occurred a fierce trait of feudal vengeance. One of the French knights purchased from the Scots some of their prisoners, and, leading them to a remote spot on the mountain, murdered them in cold blood, declaring that he did this to revenge the death of his father, who had been slain by the English in their wars in France.<sup>2</sup>

<sup>1</sup> Winton, vol. ii. p. 276.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 350. Fordun a Hearne, pp. 1043, 1044.

The city of Berwick, at this time in the hands of Edward, and which had long been the emporium of the commerce of both kingdoms, became the next object of attack. It was too well fortified, however, to hold out the least chance of success to an open assault; but the Earls of Angus and March, having collected a strong naval force, and favoured by a dark November night, ran their ships up the river as far as the tide permitted, where, disembarking, they proceeded silently to the foot of the walls; and, in the first dawn of the morning, stormed the town by escalade; slew the captain, Sir Alexander Ogle, with some English knights; and drove before them multitudes of the defenceless citizens, who, on the first alarm, had fled from their beds and escaped, half naked and in crowds, over the ramparts.<sup>1</sup>

The city, of which the Scots were thus masters, communicated with the castle of Berwick, through a strong fortalice, called the Douglas Tower; and, by a desperate sally from this outwork, Copland, the governor of Nothumberland, attempted to wrest their conquest from the Scots; but he was repulsed, and with such gallantry, that the tower itself was carried and garrisoned. Flushed with their success, and enriched with an immense booty, the Scots next attacked the castle; its strength, however, resisted all their efforts; and the Steward arriving to inspect his conquest, found that it would be impossible to keep the town, if, as was to be anticipated, the garrison should be supported by an English army. In such circumstances, to have dismantled the fortifications, and abandoned the city, would have been the most politic course; but, unwilling at once to renounce so high a prize, he left in

<sup>1</sup> Fordun a Hearne, pp. 1044, 1045. Scala Chron. in Leland's Coll. p. 565.



Berwick what troops he could spare, and retired. Little time, indeed, was given for the execution of any plan; for Edward, hearing of the successes of the Scots, hastened from Calais, stayed only three days in his capital; and, attended by those veteran and experienced officers, who had so well served him in his French wars, laid siege to Berwick at the head of a great army.<sup>1</sup> At the same time, the English fleet entered the river, and the town was strictly invested on all sides. Edward and his guards immediately took possession of the castle; and, while Sir Walter Manny, a name which the siege of Calais has made famous, began a mine below the walls, the king determined to storm the town over the drawbridge, which was thrown from the castle to the Douglas Tower. Against these formidable preparations, the small force left by the Steward could not possibly contend; and the garrison, having capitulated, with safety of life and limb, abandoned the town to the enemy, and returned to Scotland.<sup>2</sup>

That fated country now lay open to an army of eighty thousand men, commanded by the victor of Cressy. The English fleet was ordered, without delay, to sail round the coast, and await him in the Forth; and the king, breathing threats and vengeance against his enemies, and irritated that his career in France was perpetually checked by his dangers at home, invaded Scotland with a determination to subdue or utterly destroy the country.<sup>3</sup> At first every thing

<sup>1</sup> Rymer's *Fœdera*, vol. v. p. 828. Robert of Avesbury, p. 210. Fordun a Hearne, p. 1046.

<sup>2</sup> Dr Lingard, vol. iv. p. 97, says, "Berwick was recovered by the sole terror of his approach." This expression seems to me unsupported either by the English or Scottish historians. See Robert of Avesbury, p. 228.

<sup>3</sup> Fordun a Goodal, p. 354.

seemed to favour his project. Fatal and virulent dissensions again broke out amongst the Scottish nobles, excited, no doubt, by the terror of confiscation and imprisonment, to which an unsuccessful resistance to England necessarily subjected them ; and in addition to this, an extraordinary event, which seemed ominous of success, occurred upon the arrival of Edward and his army at Roxburgh. It had undoubtedly been long in preparation ; and one branch of those secret negotiations which led to it, is probably to be seen in the mysterious treaty, already noticed, between Prince Lionel and Henry Percy, for the assistance of Edward Baliol. That weak and unfortunate person now presented himself before Edward ; and, with all the feudal ceremonies becoming so grave a transaction, for ever resigned his kingdom of Scotland into the hands of the English king, divesting himself of his regalia, and laying his crown at the feet of the monarch.<sup>1</sup> His declared motives for this pusillanimous conduct are enumerated in the various deeds and instruments which passed upon the occasion ; but the real causes of the transaction are not difficult to be discovered. It needed little penetration to discern, that the retention of the royal name and title by Baliol stood in the way of the pacification of Scotland and the negotiations for the ransom of the king, and gave to the regent and the barons of his party a power of working upon the popular feelings of the nation ; while the total resignation of the kingdom into the hands of Edward, afforded this prince some appearance of justice in his present war ; and, in case of a failure, a fairer prospect of concluding a peace. Baliol himself was a mere de-

<sup>1</sup> The English historian Knighton asserts that Baliol delivered all right which he possessed in the crown of Scotland to Lionel, the king's son. Knighton, p. 2611. Rymer, vol. v. p. 832, 843, inclusive.

pendent of Edward's: for the last sixteen years he had been supported by the money, and had lived under the protection, of England.<sup>1</sup> He was now an old man; and he could not entertain the slightest hope of subduing the country which he still affected to consider as his own. In return for this surrender of his crown, Edward now agreed to settle upon him an annuity of two thousand pounds; and, when commanded to strip himself of his unsubstantial honours, he at once obeyed his master, and sunk into the rank of a private baron. During one part of his life, when he fought at Dupplin, and took part with the disinherited barons, he had shown a considerable talent for war; but this last base act proved that he was unworthy of the throne from which he had almost expelled the descendants of Bruce. He died, not many years after this event, in obscurity, and, fortunately for Scotland, without children.

Meanwhile Edward, who had thus procured the donation of the kingdom from Baliol, and extorted the acknowledgment of homage from David, persuading himself that he had a just quarrel, hastened his warlike preparations, and determined to invade the country with a force, against which all resistance would be unavailing. The present leaders of the Scots had not forgotten the lessons taught them by the rashness of David; and they wisely resolved to meet this invasion in the manner pointed out by the wisdom of Wallace, and the dying directions of Bruce.

Orders were accordingly issued for the inhabitants to drive away their flocks and herds, and to convey all their valuable property beyond the Firth of Forth, into the castles, caverns, and strongholds frequently

<sup>1</sup> Rotuli Scotiæ, vol. i. pp. 544, 546.

used for such purposes; to destroy and burn the hay and forage which was not readily transportable; and to retreat themselves, fully armed and equipped and ready for immediate action, into the various well-known fastnesses, wooded valleys, and mountain-passes, from which they could watch the operations of the invading army.<sup>1</sup> It was indispensable, however, to procure time to carry these measures into execution; and, for this purpose, the Earl of Douglas sought the army of Edward, which he found on its march from Roxburgh, and making a splendid appearance. It was led by the king in person. Before him, pre-eminently amid other banners and pennons, was borne the royal standard of Scotland.<sup>2</sup> The king's sons, John and Lionel, Dukes of Richmond and Ulster, accompanied their father; and, on the arrival of Douglas, when the army halted and encamped, it covered an extent of twenty leagues.<sup>3</sup> Douglas fortunately succeeded in procuring a ten days' truce; during which time he pretended to communicate with the Steward and the nobles; and amused Edward with hopes that his title to the throne would be universally recognized. The messages, however, which passed between Douglas and his friends related to designs the very opposite of submission; and, when the truce was almost expired, the Scottish earl, who had completely gained his object, withdrew, and joined his countrymen.

Enraged at being the dupe of so able a negotiator, Edward, in extreme fury, advanced through Berwickshire into Lothian; and, with a cruel and short-sighted policy, gave orders for the total devastation of the

<sup>1</sup> Robert de Avesbury, p. 236.

<sup>2</sup> Ibid. p. 236.

<sup>3</sup> Robert de Avesbury, p. 236. Leland's Coll. vol. i. p. 566.

country.<sup>1</sup> Every town, village, or hamlet, which lay within the reach of his soldiers, was given to the flames; and the march of this prince, who has commonly been reputed the model of a generous and chivalrous conqueror, was to be traced by the thick clouds of smoke which hung over his army, and the black desert which he left behind him. In this indiscriminate vengeance, even the churches and religious houses were sacrilegiously plundered and cast down. A noble abbey-church at Haddington, whose choir, lighted by the long-shaped lantern windows, of graceful proportion, went by the name of the Lamp of the Lothians, was entirely destroyed; and the adjoining monastery of the Minorites, with the town itself, razed to the ground.<sup>2</sup>

The severity which Edward had exercised upon his march began now to recoil upon himself; no forage was to be had for the horses; and the moment a foraging party attempted to leave the main army, it was cut off by the Scots, who rushed from their concealment in the mountains and woods, and gave no quarter. It was now the month of January, and the winter storms increased the distress of the troops. Bread began to fail; for fifteen days the soldiers had drunk nothing but water;<sup>3</sup> and, instead of being able to supply their wants by plunder, the English found nothing but empty stalls and deserted houses; not a hoof was to be seen, so well had the orders of Douglas been obeyed. It may be imagined how dreadfully these privations were felt by an army which included

<sup>1</sup> "Velut ura raptis foetibus in saltu scœviens." Fordun a Hearne, p. 1047.

<sup>2</sup> Fordun a Hearne, p. 1048. Fordun a Goodal, vol. ii. p. 354.

<sup>3</sup> Knighton, p. 2611.

three thousand men-at-arms, splendidly accoutred, both man and horse, besides ten thousand light armed horse.<sup>1</sup> The king, who saw famine nearer every hour, now looked impatiently for his fleet. It was known that it had sailed from Berwick; but no farther intelligence had arrived; and, after an anxious halt of ten days at Haddington, Edward pushed on to Edinburgh, with the hope of meeting his victualling ships at Leith. Instead, however, of the long expected supplies, certain news arrived, that the whole of the English fleet, in its attempt to make the Firth, had been dispersed and destroyed;<sup>2</sup> so that it was judged absolutely necessary to retreat as speedily as possible, in order to save the army from absolute destruction. This order for retreat became, as was to be expected, the signal for discipline to cease, and disorder to begin. Every wood or mountain pass swarmed with Scottish soldiers, who harassed the rear with perpetual attacks; and, in passing through the forest of Melrose, the king himself was nearly taken or slain in an ambuscade which had been laid for him.<sup>3</sup> He at length, however, reached Carlisle in safety, dismissed his barons, and returned to his capital, from which he issued a pompous proclamation, declaring it to be his will to preserve, untouched and inviolate, the ancient laws of Scotland: a singular declaration with regard to a country in which he could scarcely call a

<sup>1</sup> According to Robert of Avesbury, pp. 235, 236, the numbers of Edward's army were as follows:—

8,000 homines armati, or men-at-arms, that is, fully armed in steel,  
both man and horse;  
10,000 light armed horse;  
10,000 mounted archers;  
10,000 on foot;

88,000

The Scottish historians make the numbers eighty thousand.

<sup>2</sup> Fordun a Hearne, p. 1048. Robert of Avesbury, p. 237.

<sup>3</sup> Knighton, p. 2611. Fordun a Hearne, p. 1048.

single foot of ground his own.<sup>1</sup> So cruel in its execution, and so inglorious in its result, was an expedition, in which Edward, at the head of an army far greater than that which fought at Cressy, had, for the fifth time, invaded Scotland, declaring it to be his determined resolution to reduce it for ever under his dominion. The expedition of Edward, from the season in which it took place, and the wasting of the country by fire, was long afterwards remembered by the name of the "Burnt Candlemas."

So long as Scotland remained unconquered, it was evident that the English monarch must be content to have his ambitious efforts against France perpetually crippled and impeded. He felt, accordingly, the paramount importance of concluding the war in that country; and seems to have imagined, that, by an overwhelming invasion, he could at once effect this object, and be enabled to concentrate his whole force against Philip. But the result convinced him that the Scots were farther than ever from being subdued; and that policy and intrigue were at the present conjuncture more likely to be successful. He willingly, therefore, consented to a truce, and resumed the negotiations for the ransom of the king, and the conclusion of a lasting peace between the two countries.<sup>2</sup>

The Earl of Douglas, to whose exertions the success of the last campaign was mainly to be ascribed, seems to have been one of those restless and ardent spirits who languish unless in actual service; and, accordingly, instead of employing the breathing time which was afforded him, in healing the wounds and recruiting the exhausted strength of his country, he concluded a border truce with the English warden,<sup>3</sup> and, accom-

<sup>1</sup> Rotuli Scotiæ, p. 790.

<sup>2</sup> Ibid. p. 791.

<sup>3</sup> Rymer, vol. v. p. 809.

panied by a numerous body of knights and squires, passed over to France, and fought in the memorable battle of Poitiers. Douglas was received with high honour, and knighted on the field by the King of France. Amid the carnage of that dreadful day, he had the good fortune to escape death or captivity; and, cooled in his passion for foreign distinction, returned to Scotland,<sup>1</sup> where he resumed, along with the Steward and the rest of the nobility, his more useful labours for his country.

Hitherto the negotiations for the ransom and delivery of David had been entirely abortive: they were now renewed, and proved successful. After some preliminary conferences at London, between the council of the King of England and the Scottish commissioners, the final settlement of the treaty was appointed to take place at Berwick-upon-Tweed.<sup>2</sup> In the meantime, a parliament was held by the Steward, as governor of Scotland, at Edinburgh, on the 26th of September. Its constitution and proceedings, as shown in authentic instruments preserved in the *Fœdera*, are important. It appears that, before the meeting of the three estates, the prelates of Scotland assembled their chapters, and appointed delegates to represent them in parliament, with full powers to deliberate upon the ransom of the king, and to bind them as fully as if they themselves had attended.<sup>3</sup> Afterwards, however, it was judged

<sup>1</sup> Fordun & Hearne, p. 1062.

<sup>2</sup> Rymer, vol. v. p. 831. These conferences for the ransom and liberation of David extend through a period of ten years. They began in January 1347-8, and were resumed almost every year without success till the final treaty in 1357. There are only three treaties noticed by our historians; but the reader, by referring to the following pages of the *Rotuli Scotiæ*, vol. i. will find all the attempts at negotiation minutely described in the original instruments, pp. 709, 721, 722, 727, 740, 741, 745, 759, 766, 768, 773, 791, and 809, 811.

<sup>3</sup> Rymer's *Fœdera*, vol. vi. pp. 39, 40.



more expedient that the prelates should attend in person; and, accordingly, we find that, on the 26th of September, all the bishops of Scotland assembled at Edinburgh, and there met in parliament the lords and barons of the realm, and the representatives of the royal burghs. Each of the estates then proceeded to elect certain commissioners of their own body, to appear at Berwick, and deliberate, with the delegates of the King of England, upon the ransom and liberation of their sovereign. For this purpose, the clergy chose the Bishops of St Andrews, Caithness, and Brechin.<sup>1</sup> To these ecclesiastical delegates were added the Earls of March, Angus, and Sutherland, Sir Thomas de Moravia, Sir William Livingstone, and Sir Robert Erskine, appointed by the regent and the barons; and, lastly, the seventeen royal burghs chose eleven delegates of their own number, and intrusted them with the most ample powers.<sup>2</sup> Such elections having taken place, the commissioners of both countries repaired to Berwick-upon-Tweed, on the day appointed, with great state. Upon the part of England, there came the Primate of England, with the Bishops of Durham and Carlisle, and the Lords Percy, Neville, Scrope, and Musgrave. The Scottish delegates brought with them a numerous suite of attendants. The train of the Bishop of St Andrews alone consisted of thirty knights, with their squires; that of the other bishops and barons was scarcely less splendid;<sup>3</sup> and the arrival of the captive monarch himself, escorted by the whole military array of Northumberland, gave additional solemnity to the scene of negotiation.<sup>4</sup>

The result of these conferences at Berwick was, the

<sup>1</sup> Rymer's *Fœdera*, vol. vi. pp. 42, 43.

<sup>2</sup> *Ibid.* vol. vi. pp. 44, 45.

<sup>3</sup> *Ibid.* vol. vi. pp. 32, 33.

<sup>4</sup> *Rotuli Scotiæ*, vol. i. p. 810.

restoration of David to his kingdom, after a captivity of eleven years. The ransom finally agreed on was a hundred thousand pounds, equivalent to the sum of twelve hundred thousand pounds of modern money, to be paid by annual instalments of four thousand pounds; and, in security of this, twenty Scottish youths, heirs of the first families in the country, were delivered as hostages into the hands of the English monarch.<sup>1</sup> It was stipulated, besides, that, from the principal nobles of the kingdom, three should resort by turns to England, there to remain until the whole ransom was discharged; and, in the event of failure at any of the terms, the King of Scotland became bound to return to his captivity. It was also declared that, until payment of the ransom, there should be a ten years' truce between the kingdoms, during which, free commercial intercourse by land and by sea was to take place between both countries; no hostile attempt of any nature was to be made against the possessions of either; and no subject of the one to be received into the allegiance of the other: a condition which Edward, when it suited his own interests, made no scruple of infringing.<sup>2</sup> The stipulations of this famous treaty were uncommonly favourable to England, and reflect little credit on the diplomatic talents of the Scottish commissioners. The sum agreed on was oppressively

<sup>1</sup> Rymer, vol. vi. pp. 47, 48. The sum of the ransom originally agreed on was 100,000 marks. *Rotuli Scotiae*, vol. i. p. 812; but this was altered by subsequent treaties. Macpherson's *Notes to Winton*, vol. ii. p. 512.

<sup>2</sup> *Rotuli Scotiae*, 3d March, 1362-3. 37 Ed. III. vol. i. p. 871. Bower, in his additions to Fordun, has asserted, that David agreed to dismantle certain castles in Niddesdale, which greatly annoyed the English; and that, on his return to his dominions, he accordingly destroyed the castles of Dalawinton, Dumfries, Morton, and Durisdeer, with nine others. No such stipulation is to be found in the treaty, (Rymer, vol. vi. p. 46,) and Fordun himself makes no mention of it.

high; and it fell upon the country at a period when it was in a low and exhausted condition.

But the ransom itself was not the only drain on the resources of the country. The numerous unsuccessful attempts at negotiation which preceded this final settlement, had occasioned many journeys of the Scottish nobility to England, and such expeditions brought along with them a heavy expenditure. Besides this, the ransom of the Scottish prisoners, taken in the battle of Durham; their support, and that of the king their master, for many years in England; with the expense occasioned by the residence of three great nobles, and twenty young men of the first rank, for so long a time in another country, occasioned an excessive expenditure. The possession, too, of the hostages by England tended greatly to cripple the power, and neutralize the independent efforts of her enemy; and the frequent intercourse between the nobles of the poorer and those of the richer country, gave Edward opportunities of intrigue, which he by no means neglected.

Meanwhile, the representatives of the nobility, the bishops, and the burghs of Scotland, ratified the treaty;<sup>1</sup> and David, released from captivity, returned to Scotland, to receive the enthusiastic welcome of his people. But it was soon discovered that the character and manners of the king had been deteriorated by his residence in England. His first public act was to summon a parliament, to meet at Scone, regarding which there is a little anecdote preserved by a contemporary historian, which throws a strong and painful light upon his harsh disposition. In the progress to the hall where the estates were to meet, crowds of his

<sup>1</sup> Rymer, vol. vi. pp. 52 to 56, inclusive.

people, who had not beheld their king for eleven years, pressed upon him with rude but flattering ardour. The monarch, whose march was thus affectionately interrupted, became incensed, instead of being gratified; and, wresting a mace from one of his attendants, threatened to beat to the ground any who dared to annoy him: a churlish action, which shows how little cordiality could subsist between such a prince and his subjects, and prepares us for the unhappy transactions that afterwards made so deadly a breach between him and his people.<sup>1</sup>

The proceedings of the parliament itself may be imperfectly gathered from a fragment which has been preserved; but the record of the names of the clergy, nobility, and other members who were present, which might have thrown some light upon the state of parties at the return of the king, is unfortunately lost. The enormous sum of the ransom, and the mode in which the annual instalment should be collected, appears to have been the first subject which occupied the attention of the great council. The provisions upon this were important, and illustrated the state of commerce in the country. It was resolved that all the wool and wool-fells of the kingdom should be given to the king, at the rate of four marks for the sack of wool, and the same sum for every parcel of two hundred fleeces; and it is probable that the king afterwards exported these sacks and fleeces, at a high profit, to foreign parts, or disposed of them to foreign merchants who resorted to Scotland.<sup>2</sup> In the next place, a minute and accurate account of the rents and produce of the lands of the realm, and a list of the names of the proprietors, was appointed to be taken by certain sworn commissioners

<sup>1</sup> Winton, vol. ii. p. 283.

<sup>2</sup> Robertson's Parliamentary Records of Scotland, pp. 96, 97.

appointed for the purpose. From this account were specially excepted white sheep, domestic horses, oxen, and household furniture; but so minute was the scrutiny that the names of all mechanics, tradesmen, and artificers, were directed to be taken, with the purpose of ascertaining what tax should be paid on the real value of their property, and what sum each person, of his own free will, might be expected to contribute towards the ransom of the king. Proclamation was directed to be made throughout the kingdom, that, during the term within which such an account was to be taken, no one should sell or export any sheep or lambs. Officers were to be stationed on the marches to prevent such an occurrence; every hoof or fleece which was carried off was to be seized and forfeited to the king; while the sheriffs of the counties, and the barons and gentry, were directed to use their utmost endeavour, that none should dare to refuse such taxation, or fraudulently attempt to escape, by transferring themselves from one part of the country to another. If any of the sheriffs, tax-gatherers, or their officers, were found guilty of any fraud, or unfaithful conduct; or if any individuals were discovered concealing their property; all such delinquents were ordered to stand their trial at the next justice-ayre; which, it was appointed, should be held by the king in person, that the royal presence might ensure a more solemn distribution of justice, and strike terror into offenders. A provision was next made, that in each county there should be good and sufficient sheriffs, coroners, bailies, and inferior officers; it was ordered, that all lands, rents, or customs, belonging originally to the king, should be resumed, to whatever persons they might have been granted, in order that the whole royal lands should continue untouched; and that the kingdom,

already burdened by the king's ransom, might be freed from any additional tax for the maintenance of the throne. The king was required to renew that part of his coronation oath by which he had promised that he should not alienate the crown-lands, or dispose, without mature advice, of any rents, wards, or escheats belonging to the crown; and there was a prohibition against exporting the sterling money out of the realm, by any person whatever, unless upon the payment to the exchequer of half a mark for each pound.<sup>1</sup>

During the captivity of the sovereign, it appears that they who, at various times, were at the head of affairs, had either appropriated to themselves, or made donations to their dependants, of various portions of the crown lands; and it was, therefore, enacted, that all who had thus rashly and presumptuously entered into possession of any lands or wardships belonging to the crown, should, under pain of imprisonment, be compelled to restore them to the king. The next article in the provisions of this parliament is extremely obscure. It was resolved, that all the lands, possessions, and goods of the homicides, after the battle of Durham, who have not yet bound themselves to obey the law of the land, should be placed in the hands of the king, until they come under sufficient security to obey the law; and that all pardons or remissions granted to persons of this description, by the governors of the kingdom, during the absence of the king, should not be ratified, unless at the royal pleasure. And it was also provided that, if any person, after the captivity of the sovereign, had resigned to the regent any tenement which he held of the crown *in capite*, which property had been bestowed upon another who had

<sup>1</sup> Robertson's Parliamentary Records, pp. 96, 97.

alienated it in whole or in part without the royal permission, all such tenements should again revert to the crown.

The names of the nobles and barons who sat in this parliament being lost, we can only conjecture that some individuals had absented themselves, from the idea that the disturbances which they had excited during the captivity of the king would be visited with punishment. It is stated in the *Scala Chronicle*, that soon after the conflict at Durham, the private feuds amongst the nobility were carried to a grievous height; and that the kingdom was torn by homicides, rapine, and private war, for which Fordun does not hesitate indirectly to criminate the Steward.<sup>1</sup> It is certain, at least, from the record of this parliament, that the remissions or pardons granted to these defaulters by the Steward, and those in office under him, were recalled; and that the king resented his conduct, in interfering with the royal prerogative, and bestowing lands, held of the crown, upon his own creatures and dependants.

For the present, however, there was the appearance of tranquillity. The treaty which had settled the ransom, received the approbation of the parliament; and Edward not only gave orders for its strict fulfilment, but sought by every method to ingratiate himself with the prelates and the nobility of Scotland. His object in all this became soon apparent. Aware, from repeated experience, of the difficulty of reducing this country by open force, a deeper policy was adopted. He had already gained an extraordinary influence over the weak character of the king, and had secretly prevailed upon him to acknowledge the

<sup>1</sup> Fordun & Hearne, p. 1039. Leland's Coll. vol. i. p. 562.

feudal superiority of England. David being without children, there existed a jealousy between him and the Steward, who had been nominated next heir to the crown; and we may date, from this period, the rise of a dark faction, to which the Scottish king meanly lent himself a party, and the object of which was to intrude a son of Edward the Third into the Scottish throne. For some time, however, this conspiracy against the independence of the nation was concealed, so that it is difficult to discover the details or the principal agents; but from the frequent journeys of some of the Scottish prelates and barons to the court of England, from the secret and mysterious instructions under which they acted, and the readiness with which they were welcomed,<sup>1</sup> there arises a strong presumption that this monarch had gained them over to his interest. The Earl of Angus, one of David's hostages, had private meetings with the King of England, and was despatched to Scotland that he might confer with his own sovereign upon matters which shunned the light, and did not appear as usual in the instruments and passports.<sup>2</sup> Within a short period the Scottish queen, a sister of Edward, made two visits to London, for the purpose of treating with her brother on certain matters which are not specified in her safe-conduct. The King of Scotland next sought the English court in his own person; and after his return, the Bishop of St Andrews, the Earl of March, along with the Earl of Douglas, Sir Robert Erskine, and Sir William Livingstone, were repeatedly employed in these secret missions, which at this period took place between the two monarchs.<sup>3</sup> These barons

<sup>1</sup> Rotuli Scotiæ, vol. i. pp. 814, 815, 31 Edward III. m. 4.

<sup>2</sup> Ibid. 31 Edward III. m. 2, 25th Dec. 1357, vol. i. p. 818.

<sup>3</sup> Rotuli Scotiæ, 32 Edward III. pp. 819, 821, 822.



generally travelled with a numerous suite of knights or squires;<sup>1</sup> and while their masters were engaged in negotiation, the young knights enjoyed their residence at a court then the most chivalrous in Europe, and were welcome guests in the fêtes and amusements which occupied its warlike leisure. Large sums of money were required for such embassies; and the probability is, that they were chiefly defrayed by the English monarch, who looked for a return in the feelings of gratitude and obligation, which he thus hoped to create in the breasts of the Scottish nobility. Nor were other methods of conciliation neglected by this politic prince. He encouraged the merchants of Scotland to trade with England by grants of protection and immunity, which formed a striking contrast to the spirit of jealousy and exclusion with which they had lately been treated.<sup>2</sup>

From the moment of David's return, a complete change took place in the commercial policy of England, and the Scottish merchants were welcomed with a liberality, which, could we forget its probable object, was as generous as it was beneficial to both countries. At the same time, the youth of Scotland were induced to frequent the universities of Oxford and Cambridge, by the ready kindness with which the king gave them letters of protection;<sup>3</sup> and the religious, who wished to make pilgrimages to the most celebrated shrines in England, found none of those impediments to their pious expeditions which had lately existed.

At this moment, when designs existed against the

<sup>1</sup> *Rotuli Scotiæ*, 32 Edward III. p. 821. *Willelmus de Levyngeston*. "Cum octo Equitibus de Comitiva sua." Sir Robert Erskine, with the same number, p. 822. The Earl of March travels to England, "Cum viginti Equitibus et eorum garrionibus," p. 823.

<sup>2</sup> *Rotuli Scotiæ*, vol. i. 32 Edward III. pp. 822, 823.

<sup>3</sup> *Ibid.* pp. 822, 825, 828.

independence of Scotland, so dangerous in their nature, and so artfully pursued, it was unfortunate that a spirit of military adventure carried many of its best soldiers to the continental wars. Sir Thomas Bisset and Sir Walter Moigne, with Norman and Walter Lesley, previous to David's return, had left the country on an expedition to Prussia,<sup>1</sup> in all probability to join the Teutonic knights, who were engaged in a species of crusade against the infidel Prussians.<sup>2</sup> Not long after, Sir William Keith marshal of Scotland, Sir William Sinclair lord of Roslin, Sir Alexander de Lindesay, Sir Robert Gifford, and Sir Alexander Montgomery, each with a train of sixty horse, and a strong body of foot soldiers, passed through England to the continent, eager for distinction in foreign wars, with which they had no concern, and foolishly deserting their country when it most required their services.<sup>3</sup> Yet this conduct was more pardonable than that of the Earl of Mar, who entered into the service of England, and with a retinue of twenty-four knights and their squires, passed over to France in company with the English monarch and his army.<sup>4</sup> The example was infectious; and the love of enterprise, the renown of fighting under so illustrious a leader, and the hopes of plunder, induced other soldiers to imitate his example. Edward, therefore, whose attempts to conquer Scotland by force of arms had utterly failed, seemed now to have fallen upon a more fatal and successful mode of attack. Many of the barons were secretly in his interest; some had actually embraced his service; the king himself was wholly at his devotion; the constant intercourse which he had encouraged,

<sup>1</sup> Rymer, vol. v. p. 866.

<sup>2</sup> Barnes's Edward III. p. 669.

<sup>3</sup> Rotuli Scotiæ, vol. i. 32 Edward III. p. 830.

<sup>4</sup> Ibid. 33 Edward III. p. 842. Rymer, vol. vi. p. 119.

had softened, as he hoped, and diluted the bitterness of national animosity; and the possession of his twenty hostages had tied up the hands of the principal barons of the land, who, in other circumstances, would have been at liberty to have acted strenuously against him. Nothing now remained but to develop the great plan which all this artful preparation was intended to foster and facilitate; but for this, matters were not yet considered far enough advanced.

Meanwhile, David anxiously adopted every method to collect the sums necessary for his ransom; nor can we wonder at his activity, when we remember that his liberty or his return to the Tower depended on his success. He had already paid the first ten thousand marks;<sup>1</sup> and the pope, at his earnest request, consented that, for the term of three years, he should levy a tenth of all the ecclesiastical benefices in Scotland, under the express condition that the clergy were, after this, to be exempted from all further contribution. Yet this stipulated immunity was soon forgotten or disregarded by the king; and in addition to the tenth, the lands and temporalities of all ecclesiastics, whether they held of the king or of a subject, were compelled to contribute in the same proportion as the barons and free tenants of the crown; a measure violently opposed by the church, and which must have lost to the king much of his popularity with this important body.<sup>2</sup>

The period for the payment of the second instalment of the ransom money to England now rapidly approached. In Scotland, the difficulty of raising money, owing to the exhausted and disorganized state of the kingdom, was excessive; and the king, in

<sup>1</sup> *Rotuli Scotiæ*, 32 Ed. III. p. 827. 23d June, 1358.

<sup>2</sup> *Fordun & Hearne*, p. 1054.

despair, and compelled by the influence of the party of the Steward, which supported the independence of the country, forgot for a moment the intimate relations which now bound him to Edward, and opened a negotiation with the regent of France, in which he agreed to renew the war with England, provided that prince and his kingdom would assist him with the money which he now imperiously required. To these demands the French plenipotentiaries replied,<sup>1</sup> that in the present conjunction of affairs, when France was exhausted with war, and the king and many of the highest nobility in captivity, it was impossible to assist her ancient ally so speedily or so effectually as could be desired. They agreed, however, to contribute the sum of fifty thousand marks<sup>2</sup> towards defraying the ransom, under the condition that the Scots should renew the war with England, and that there should be a ratification of the former treaty of alliance between France and Scotland.

These stipulations upon the part of the French were never fulfilled. An army of a hundred thousand men, led by Edward in person, passed over to Calais a few months after the negotiation,<sup>3</sup> and France saw in the ranks of her invaders many of the Scottish barons, who had become the tools of England. Amongst those whom the English king had seduced was Thomas earl of Angus, one of the hostages for David, a daring adventurer, who had commissioned from the Flemings four ships of war, with which he promised to meet Edward at Calais. But on procuring his liberty, Angus forgot his engagement; and, remaining in Scot-

<sup>1</sup> *Traitez entre les Roys de France et les Roys D'Escoce.* MS. in Ad. Library, A. 3. 9.

<sup>2</sup> "Cinquante mil marcs d'Esterlins, ou la vailleur en or si comme il vault en Angleterre."

<sup>3</sup> *Rotuli Scotiæ*, 34 Ed. III. m. 4, pp. 840, 847.

land, acted a principal part in the commotions which then distracted the country.<sup>1</sup> Sir Thomas Bisset, Sir William of Tours, and Sir John Borondon, and probably many other Scottish knights, accompanied Edward,<sup>2</sup> but had little opportunity of signalizing themselves; and after an inglorious campaign, hostilities were concluded by the celebrated treaty of Bretigny, in which the two belligerent powers consented to a mutual sacrifice of allies. The French, naturally irritated, agreed to renounce all alliances which they had already formed with Scotland, and engaged, for the time to come, to enter into no treaties with that nation against the realm of England; and England, on her part, was equally accommodating in her renunciation of her Flemish allies.<sup>3</sup> Such conduct upon the part of the French regent must have been highly mortifying to the Steward and his friends, who considered the continuance of a war with England as the only certain pledge for the preservation of the national liberty. On the other hand, the confederacy, which had been gradually gaining ground in favour of England, and now included amongst its supporters the Scottish king himself and many of his nobles, could not fail to be gratified by a result which rendered a complete reconciliation with Edward more likely to occur, and thus paved the way for the nearer development of their secret designs, by which the Steward would ultimately be prevented from ascending the throne.

Whilst such was the course of events in France, Scotland at home presented a scene of complicated distress and suffering. A dreadful inundation laid the whole of the rich country of Lothian under water.

<sup>1</sup> Fordun a Goodal, vol. ii. p. 365.

<sup>2</sup> Rotuli Scotiæ, p. 840.

<sup>3</sup> Rymer Fœdera, vol. vi. p. 192, Art. 31, 32, 33.

The clouds poured down torrents such as had never before been seen by the oldest inhabitants; and the rivers, breaking over their banks with irresistible violence, destroyed ramparts and bridges, tore up the strongest oaks and forest trees by the roots, and carried houses, barns, and implements of husbandry, in one undistinguished mass to the sea shore. The lighter wooden habitations of the working classes were swept from their foundations; and the castles, churches, and monasteries entirely surrounded by water.<sup>1</sup> At length, it is said, a nun, terror-struck by the anger of the elements, snatched a small image of the Virgin from a shrine in the church of her monastery, and threatened aloud to cast her into the stream, unless she averted the impending calamity. The flood had already touched the threshold of the building, when it was suddenly checked; and Bower assures us, that from that moment the obedient waters returned within their accustomed boundaries.<sup>2</sup>

Not long after this inundation, the country was visited by another dreadful guest: the great pestilence, which had carried away such multitudes in 1349,<sup>3</sup> again broke out in Scotland, with symptoms of equal virulence and fatality. In one respect the present calamity was different from the former. That of 1349 had fallen with most severity upon the poorer classes, but in this the rich and noble in the land, equally with the meanest labourers, were seized by the disease, and in most instances fell victims to its ravages. The deaths at last became so numerous, and the crowds of the dead and the dying so appalling, that David with his court retreated to the north, and at Kinross in

<sup>1</sup> Fordun & Hearne, p. 1053.

<sup>2</sup> Fordun & Goodal, vol. ii. p. 362.

<sup>3</sup> Winton, book viii. chap. xlv. vol. ii. p. 292.

Moray, sought a purer air and less lugubrious exhibitions.<sup>1</sup>

On his return, a domestic tragedy of a shocking nature awaited him. His favourite mistress, Catherine Mortimer, whom he had loved during his captivity, had afterwards accompanied him into Scotland, and from some causes not now discoverable, became an object of jealousy and hatred to the Earl of Angus and others of the Scottish nobles. At their instigation, two villains, named Hulle and Dewar, undertook to murder her; and having sought her residence under a pretence that they came from the king with instructions to bring her to court, prevailed upon the unsuspecting victim to intrust herself to their guidance. They travelled on horseback; and on the desolate moor between Melrose and Soutra, where her cries could bring none to her assistance, Hulle stabbed her with his dagger and despatched her in an instant.<sup>2</sup> David instantly imprisoned the Earl of Angus in Dunbarton castle, where he fell a victim to the plague, and commanded his unfortunate favourite to be buried with all honour in the abbey of Newbattle.

Towards the conclusion of the year which was marked by this base murder, a secret negotiation, regarding the subject of which the public records give us no certain information, took place between Edward and the Scottish king. The Bishops of St Andrews and Brechin, with the Archdeacon of Lothian, the Earls of March and Douglas, Sir Robert Erskine, and Sir John Preston, repaired, with a numerous retinue, to the English court; but the object of their mission is studiously concealed. It is, indeed, exceedingly difficult to understand or to unravel the complicated

<sup>1</sup> Fordun a Goodal, p. 365.

<sup>2</sup> Scala Chronicle, p. 196. Fordun a Goodal, vol. ii. p. 365.

intrigues, and the various factions, which divided the country at this period. The king himself was wholly in the interest and under the government of Edward. The Steward, on the other hand, to whom the people affectionately looked as his successor, and whose title to the throne had been recognized by a solemn act of the three estates of the kingdom, was at the head of the party which opposed the designs of England, and strenuously defended the independence of the country. Many of the nobles, seduced by the example of their sovereign, and by the wealth of England, had deserted to Edward; many others, indignant at such treachery, leagued themselves in the strictest ties with the Steward: and between these two parties there existed, we may believe, the most deadly animosity. But we may, I think, trace in the records of the times—for our ancient historians give us no light on the subject—another and more moderate party, to whom Edward and David did not discover their ultimate intentions for the destruction of the independence of Scotland as a separate kingdom, but who hailed with joy, and encouraged with patriotic eagerness, those pacific measures which were employed to pave the way for their darker designs. Nor is it difficult to understand the feelings which gave rise to such a party. A war of almost unexampled length and animosity had weakened and desolated the country. Every branch of national prosperity had been withered or destroyed by its endurance; and it is easy to conceive how welcome must have been the breathing time of peace, and how grateful those measures of free trade and unfettered intercourse between the two countries, which Edward adopted, from the moment of David's liberation till the period of his death.<sup>1</sup> It is quite

<sup>1</sup> *Rotuli Scotiæ*, vol. i. pp. 859, 862.



possible to believe that such men as the Earl of Douglas and Sir Robert Erskine, the Bishops of St Andrews and Brechin, with other prelates and nobles, who were engaged in perpetual secret negotiations with Edward, should have been amused with propositions for a complete union and a perpetual peace between the two countries; while David himself, and those traitors who were admitted into the deeper parts of the plot, assisted at their negotiations, sheltered themselves under their upright character, and thus disarmed suspicion.

Meanwhile, under this change of measures, Scotland gradually improved; and the people, unconscious of the designs which threatened to bring her down to the level of a province of England, enjoyed the benefits and blessings of peace. The country presented a stirring and busy scene. Merchants from Perth, Aberdeen, Kirkcaldy, Edinburgh, and the various towns and royal burghs, commenced a lucrative trade with England, and through that country with Flanders, Zealand, France, and other parts of the continent; wool, hides, sheep, and lamb skins, cargoes of fish, herds of cattle, horses, dogs of the chase, and falcons, were exported; and in return, grain, wine, salt, and spices of all kinds; mustard, peas, potashes, earthenware, woollen cloth; silver and gold in bars, cups, vases, and spoons of the same precious metals; swords, helmets, cuirasses, bows and arrows, horse furniture, and all sorts of warlike accoutrements, were imported from England, and from the French and Flemish ports, into Scotland.<sup>1</sup>

Frequent and numerous parties of rich merchants, with caravans laden with their goods, and attended by

<sup>1</sup> *Retuli Scotiæ*, vol. i. pp. 760, 881, 891, 911, 925. *Rymer*, vol. v. i. p. 575.

companies of horsemen and squires, for the purposes of defence and security, travelled from all parts of Scotland into England and the continent.<sup>1</sup> Edward furnished them with passports, or safe-conducts; and the preservation of these instruments, amongst the Scottish rolls in the Tower, furnishes us with an authentic and curious picture of the commerce of the times. We find these passports granted to bodies of fifty and sixty at a time; each of the merchants being men of such wealth and substance, as to be accompanied by a suite of four, five, or six horsemen. In the year 1363, passports were granted to forty-nine Scottish merchants, who are accompanied by a body of eighty-seven horsemen, and eighteen squires or garçons; and the following year was crowded with expeditions of the same nature. On one memorable occasion, in the space of a single month, a party of sixty-five merchants obtained safe-conducts to travel through England, for the purposes of trade; and their warlike suite amounted to no less than two hundred and thirty horsemen.<sup>2</sup>

Besides this, the Scottish youth, and many scholars of more advanced years, crowded to the colleges of England;<sup>3</sup> numerous parties of pilgrims travelled to the various shrines of saints and martyrs, and were liberally welcomed and protected;<sup>4</sup> whilst, in those Scottish districts which were still in the hands of the English, Edward, by preserving to the inhabitants their ancient customs and privileges, endeavoured to overcome the national antipathy, and conciliate the affections of the people. Commissions were granted to his various officers in Scotland, empowering them to receive the homage and adherence of the Scots, who

<sup>1</sup> *Rotuli Scotie*, p. 876.  
Ibid. pp. 886, 891.

<sup>2</sup> Ibid. vol. i. pp. 885, 886.

<sup>4</sup> Ibid. pp. 878, 879, 880.

had hitherto refused to acknowledge his authority ; passports, and all other means of indulgence and protection, were withdrawn from such as resisted, or became objects of suspicion ; and every means was taken to strengthen the few castles which he possessed, and to give security to the inhabitants of the extensive district of Annandale, with other parts of the country, which were in the hands of English subjects.<sup>1</sup>

During the course of the year 1362, the Bishops of St Andrews and of Brechin, Wardlaw archdeacon of Lothian, with Sir Robert Erskine, and Sir Norman Lesley, were engaged in a secret mission to the court of England ; and a public negotiation was commenced, for a final peace between the two countries, which appears not to have led to any satisfactory result.<sup>2</sup> The truce, however, was still strictly preserved ; the fears of an invasion of England, by the party opposed to Edward, had entirely subsided ; and the pacific intercourse between both countries, by the constant resort of those whom the purposes of trade, or devotion, or pleasure, or business, carried from their homes, continued as constant and uninterrupted as before.<sup>3</sup> Meanwhile, Joanna queen of Scotland, who had resided for some time past at her brother's court, was seized with a mortal illness, and died in Hertford castle.<sup>4</sup> In the course of the former year, the only son of the Earl of Sutherland, who was nephew to the Scottish king, had been cut off by the plague at Lincoln.<sup>5</sup> Edward Baliol lay also on his deathbed ; and these events were seized upon as a proper opportunity to bring forward that great plan which had been so long

<sup>1</sup> Rotuli Scotiæ, vol. i. pp. 861, 872, 873, 875, 894.

<sup>2</sup> Ibid. vol. i. pp. 862, 864.

<sup>3</sup> Ibid. pp. 859, 860, 865.

<sup>4</sup> Walsingham, p. 179.

<sup>5</sup> Fordun & Goodal, vol. ii. p. 366. Edward Baliol also died in 1363, at Doncaster. Knighton, p. 2627.

maturing, and by which Edward the Third persuaded himself that, in return for his flattering and indulgent policy, he was to gain a kingdom.

Although the ramifications of the conspiracy, by which Edward and David attempted to destroy the independence of Scotland, are exceedingly obscure, enough, I think, has been pointed out to prove that it had been going on for many years. We have seen that the English king purchased from Baliol the whole kingdom; that David had completely thrown himself into the arms of England, and even actually acknowledged the superiority of the one crown over the other; and now when, as was imagined, all obstacles were removed, we are to witness the open development, and the utter discomfiture, of this extraordinary plot. A parliament was summoned at Scone in the month of March 1363;<sup>1</sup> and the king, after alluding to the late negotiation for a final peace, which had taken place between the commissioners of both countries, proceeded to explain, to the three estates, the conditions upon which Edward had agreed to concede this inestimable blessing to the country. He proposed, in the event of his death, that the estates of the realm should choose one of the sons of the King of England to fill the Scottish throne; and he recommended, in the strongest manner, that such choice should fall upon Lionel, the third son of that monarch,—a prince in every respect well qualified, he affirmed, to defend the liberty of the kingdom. If this election was agreed to, he was empowered, he said, to disclaim, upon the part of the King of England, and his heirs, all future attempts to establish a right to the kingdom of Scotland, under any pretence whatever; that grievous load of ransom,

<sup>1</sup> March 4, 1363-4. Robertson's Parliamentary Records, p. 10).

which pressed so heavily upon all classes of the country, would be from that moment discharged ;<sup>1</sup> and he concluded, by expressing his conviction, that in no other way could a safe and permanent peace be established between the two nations.<sup>2</sup>

The estates of parliament stood aghast at this base proposal, which was received by an instantaneous burst of deep and undissembled indignation. It required, indeed, no little personal intrepidity to name such terms to an assembly of armed Scottish barons. Their fathers and themselves had, for more than sixty years, been engaged in almost uninterrupted war against the intolerable aggressions of England. It was for the stability of the kingdom, whose liberties were now attempted to be so wantonly sacrificed, that Wallace, and Douglas, and Randolph, and Bruce, had laboured and bled. By the most solemn acts of the legislature, and the oaths of the three estates, taken with their hands on the holy gospels, they were bound to keep the throne for the descendants of their deliverer ; and it is not difficult to imagine with what bitter feelings of sorrow and mortification they must have reflected, that the first proposal for the alteration of the succession came from the only son of Robert Bruce ! In such circumstances, it required neither time nor deliberation to give their answer. It was brief, and perfectly unanimous, on the part of the three estates—clergy, nobles, and burgesses : “ *We never,*” said they, “ *will allow an Englishman to rule over us ;* the proposition of the king is foolish and improvident, for he ought to have recollected that there exist heirs to the throne,

<sup>1</sup> Although this is not mentioned by Fordun or Winton, I have inferred, that the discharge of the ransom was stipulated, from the terms of the Parliamentary Record, and from the sixth article of the subsequent secret treaty at Westminster. Rymer, vol. vi. p. 426.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 366.

whose age and virtues render them worthy of that high station, and to whom the three estates are bound to adhere, by the deeds of settlement, which have been ratified by their own solemn oath.—Yet,” they added, “they earnestly desired peace; and, provided the royal state, liberty, and separate independence of the kingdom were not infringed upon, would willingly make every sacrifice to attain it.”<sup>1</sup>

With this resolute answer the king was deeply moved. His eyes flashed with rage, and his gestures for a moment betrayed the conflict of anger and disappointment which was passing in his mind: but he repressed his feelings, and, affecting to be satisfied, passed on to other matters. It was determined to open an immediate negotiation with England, preparatory to a final treaty of peace; and, for this purpose, Sir Robert Erskine, along with Walter Wardlaw the archdeacon of Lothian, and Gilbert Armstrong, were appointed commissioners by the parliament. With regard to the ransom, the nobles declared, that they were ready cheerfully to suffer every privation for the payment of the whole sum; and that they would use their utmost exertion to prevent the truce from being broken, as well as to answer for the penalties already due for its infringement, by that party which was adverse to England.<sup>2</sup> These expressions alluded,

<sup>1</sup> “Cui breviter, et sine ulteriori deliberatione aut retractatione responsum fuit per universaliter singulos, et singulariter universos de tribus statibus, NUNQUAM SE VELLE CONSENTIRE ANGLICUM SUPER SE REGNARE.” Fordun & Goodal, vol. ii. pp. 366, 367. Winton, vol. ii. p. 294. Robertson's Parliamentary Records, p. 100.

<sup>2</sup> In the record of this important parliament, which is unfortunately in an extremely mutilated state, there is some obscurity as to the meaning of the words “Si que per partem adversam pro commissis hactenus possent infligi vel obliici.” I understand the “pars adversa” to be the party of the Steward, which was decidedly hostile to England, and eager to break the truce. The whole “Record” of this famous parliament has been printed, by the late Mr. Robertson, in that first and

no doubt, to the Steward and his friends, who, for some time before this, must have been aware of the practices of David against the independence of the country, and his secret intrigues with Edward.

The object of this daring plan, which, there is reason to believe, had been maturing during the whole course of David's captivity, was now avowed in open parliament; and, if carried into execution, it would have excluded for ever from the throne of Scotland, the Steward, and all descendants of Robert the Bruce. We are not, therefore, to wonder that the bare proposal of such a scheme alarmed and agitated the whole kingdom. It was instantly, indeed, repelled and put down by the strong hand of parliament, and apparently given up by the king; but all confidence between David and his nobles was destroyed from this moment, and the effects of this mutual suspicion became soon apparent.

The Steward, who had good reason to suspect the sincerity of the king, assembled his friends, to deliberate upon the course of proceedings which it was deemed necessary to adopt; and a very formidable league or conspiracy was soon formed, which included amongst its supporters a great majority of the nobility. According to a common practice in that age, the lords and barons, who stood forward to support the succession, entered into bonds or agreements of mutual defence, which were ratified by their oath and seal.<sup>1</sup>

interesting volume of the Records of the Scottish Parliament, which, on account of some defects in its arrangement, was cancelled and withdrawn. A copy of this rare work, which has been already quoted frequently in the course of this volume, was, many years ago, presented by Mr Thomson, the present Deputy-clerk-register, to my late father, Lord Woodhouselee; and to this unpublished record I am indebted for valuable assistance, in an attempt to explain one of the darkest periods of Scottish history.

<sup>1</sup> Fordun a Hearne, p. 1057.

The Steward himself, with the Earl of March, the Earl of Douglas, the Steward's two sons, John Steward of Kyle, Robert Steward of Menteith, and others of the most powerful nobility in the country, openly proclaimed, that they would either compel the king to renounce for ever his designs, and adhere to the succession, or would at once banish him from the throne.<sup>1</sup> To show that these were not empty menaces, they instantly assembled their retainers, and in great force traversed the country. The nobles who supported David were cast into prison, their lands ravaged, their wealth, or rather the wealth of their unfortunate vassals and labourers, seized as legitimate spoil; and the towns and trading burghs, where those industrious mercantile classes resided, who had no wish to engage in political revolution, were cruelly invaded and plundered.

The violence of these proceedings gave to the cause of the king a temporary colour of justice; and of this his personal courage, the only quality which he inherited from his great father, enabled him to take advantage. He instantly issued a proclamation, in which he commanded the rebels to lay down their arms and return to their allegiance as peaceable and faithful subjects; and summoned his barons to arm themselves and their vassals in defence of the insulted majesty of the throne.<sup>2</sup> To the body of the disinherited barons in England, whose strength had, not long before, achieved so rapid a revolution, in placing Baliol on the throne, David confidently looked for assistance. This party included the Earl of Athole, the Lords Percy, Beaumont, Talbot, and Ferrers, with Godfrey de Ross, and a few other powerful

<sup>1</sup> Fordun a Hearne, p. 1057.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 367.



nobles. From them, and from Edward himself, there is reason to believe that the king received prompt support, both in men and money; for it is certain that he was able to collect a numerous army, and to distribute amongst the soldiers far larger sums for their pay and equipment than the exhausted state of the country and of his own coffers could have afforded.<sup>1</sup> The strong castles of Roxburgh, Jedburgh, and Lochmaben, with the border districts around them, comprehending Annandale, part of Teviotdale, and the Merse,<sup>2</sup> were in the hands of the English, who compelled their warlike population to serve against the Steward; so that David was enabled to advance instantly against his enemies, with a force which it would have been folly in them to attempt to resist. It was fortunate that the two parties thus ranged in deadly opposition against each other, were yet mutually afraid of pushing matters into the extremities of a war. The king knew that he was generally unpopular, and that his attempt to change the succession was regarded with bitter hostility, not only by the nobles, but by the whole body of the nation; and he naturally dreaded to call these feelings into more prominent action.<sup>3</sup> On the other hand, the Steward was anxious, under such threatening circumstances, when his title to the crown was proposed to be set aside, to conciliate the affections of the people by a pacific settlement of the differences between himself and the sovereign. These mutual feelings led to a treaty which saved the country from a civil war. On the approach of the royal army, the Steward, and

<sup>1</sup> Fordun & Hearne, p. 1058. Robertson's Parliamentary Records, p. 101.

<sup>2</sup> Rymer's *Fœdera*, vol. vi. p. 426.

<sup>3</sup> Fordun & Hearne, p. 1058.

the barons who supported him, agreed to lay down their arms and submit to the clemency of the king. The bonds and engagements by which their party was cemented, were renounced and cancelled in an assembly of the whole nobility of Scotland, which was convoked on the 14th of May, at Inchmurdach, a palace of the Bishop of St Andrews,<sup>1</sup> where the Steward again renewed his oath to David. He swore upon the holy gospels that he would henceforth continue faithful to the king as his sovereign and liege lord; that to the utmost of his power he would defend him from his enemies, and support his servants and ministers against every opposition; and this he promised, under the penalty of losing all title to the throne of Scotland, of forfeiting his lands and possessions for ever, and of being accounted a perjured and dishonoured knight.<sup>2</sup>

In return for this prompt submission, the Steward's title in the succession was distinctly recognized, and the earldom of Carrick conferred upon his eldest son, afterwards Robert the Third. The Earls of March and Douglas, the sons of the Steward, and the rest of the barons who had joined his party, renewed their fealty at the same time; and David had the satisfaction to see a dangerous civil commotion extinguished by his energetic promptitude and decision. But this was only a temporary ebullition of activity; and, as if worn out by the exertion, the king relapsed into his usual indolence and love of pleasure.

It was at this critical time that he met with Margaret Logy,<sup>3</sup>—a woman of inferior birth, but

<sup>1</sup> Macpherson's *Geographical Illustrations of Scottish History*, voce *Inchmurdach*.

<sup>2</sup> *Fordun a Goodal*, vol. ii. p. 369.

<sup>3</sup> *Fordun a Hearne*, pp. 1059, 1060. *Bower* (*Fordun a Goodal*, vol. ii. p. 370) says she was the daughter of John Logy.

extraordinary beauty. She was the daughter of one of the lower barons, and related, in all probability, to that John de Logy, who had been executed for treason during the latter part of the reign of Robert Bruce. Of this lady, David, ever the slave of his passions, became deeply enamoured; and, heedless of the consequences, determined to possess himself of the object of his affection. Overlooking, accordingly, in the ardour of his pursuit, all difference of rank, and despising the resentment of his proud nobility, the king married this fair unknown, and raised her to the throne, which had been filled by the sister of Edward the Third. No step could be more imprudent. The Steward, who, in the event of a son being born of this alliance, would be excluded from the throne by a boy of almost plebeian origin,—the powerful Earl of March,—the haughty Douglas, and the other grandees of the realm, whose feudal power and territories were almost kingly, felt themselves aggrieved by this rash and unequal alliance. Disgust and jealousy soon arose between the queen and the nobility; and such was the influence which she at first possessed over the fickle and impetuous monarch, that he cast the Steward, with his son, Alexander lord of Badenoch, into prison; and soon after, weary of his own kingdom, and aware of his unpopularity, obtained a safe-conduct to travel into England, on a pilgrimage to the shrine of the Virgin at Walsingham.<sup>1</sup> His fair queen, at the same time on the like errand, accompanied by a train of thirty knights, sought the shrine of St Thomas of Canterbury; and Scotland, deserted by her sovereign,

<sup>1</sup> Fordun a Goodal, vol. ii. p. 380. This author asserts that the Steward and his three sons were kept in separate prisons. From the Chamberlain's Accounts, pp. 498, 524, the fact seems to be as stated in the text.

and with the nearest heir to the crown in a dungeon, regarded with deep apprehension a state of things which, to the most superficial eye, was full of danger.

It was not to be expected that a prince, of the talents and ambition of Edward the Third, should fail to take advantage of these complicated difficulties. A large part of the ransom due by the King of Scotland was still unpaid; and, as the regular terms of settlement had long been neglected, the penalties incurred by such a failure increased the principal sum to an overwhelming amount. The king's increasing unpopularity in Scotland rendered it impossible for him to collect the money which was required. It was only by the kindness and sufferance of Edward that he had not been repeatedly remanded to his prison in the Tower; and, in a few years, if this state of things continued, he felt that he must lay down his royal pomp, and, deserted by a people who bore him neither love nor respect, return to the condition of a captive.<sup>1</sup> These reflections embittered his repose: he determined to consent to every sacrifice, to get rid of a ransom which made him a slave to Edward, and an abject suitor to his subjects; and, under the influence of such feelings, again engaged in a secret treaty with England, against the independence of his country.<sup>2</sup>

It will be recollected, that the estates of Scotland had already despatched the Bishops of St Andrews and Brechin, along with Sir Robert Erskine the Chamberlain of Scotland, to negotiate a peace between the two countries;<sup>3</sup> and to the result of this public embassy we shall soon advert. In the meantime, whilst these deliberations proceeded, a secret confer-

<sup>1</sup> Rymer's *Fœdera*, vol. vi. p. 48.

<sup>2</sup> *Ibid.* p. 426.

<sup>3</sup> Robertson's *Parliamentary Records*, p. 100. *Rotuli Scotiæ*, 38 Ed. III. m. 6. 18th July, vol. i. p. 884.

ence was held between the privy councillors of David and Edward, and in presence of both monarchs, at Westminster, on the 26th of November, 1363. The names of the privy councillors are studiously concealed, but the real object of this meeting was an attempt, upon the part of Edward, to renew his designs for the entire subjugation of Scotland; but this was done with a caution strongly indicating his sense of the flame which the bare suspicion of such a renewal would kindle in that country. It was premised, in the first passage of the record of this conference, that every thing now done was to be regarded solely in the light of an experiment; and that the various stipulations and conditions which it contained, were not to be considered as finally agreed to, either by one party or the other, but simply as attempts to bring about, under the blessing of God, a lasting peace between the two nations. The King of Scotland, who, along with Edward, was personally present whilst the various articles were made the subject of debate, consented that, in the event of his death without heirs-male of his body, the King of England, and his heirs, should succeed to the throne of Scotland; upon which event, the town and castle of Berwick, with the castles of Roxburgh, Jedburgh, and Lochmaben, and all the lands occupied by Robert the First at the time of his death, and now in the hands of the King of England, were to be delivered up to Scotland; whilst the arrears of the ransom, as well as all penalties and obligations incurred by its non-payment, were to be cancelled for ever.

These were the two principal articles in the conference; but a variety of inferior stipulations were added, the object of which was evidently to induce the people of Scotland to sacrifice the independent throne of their

country, by the solemn manner in which Edward agreed to preserve unimpaired its ancient constitution, and the laws and usages of the kingdom. It was agreed that the name and title of the kingdom of Scotland should be preserved distinct and entire, and should never be sunk in a union with England; whilst, at the same time, it was to remain, not in name only, but in reality, entire, without injury by gift, alienation, or division, to any mortal, such as it was in the days of Robert the First. The kings of England were henceforth to be crowned kings of Scotland at Scone, upon the regal and sacred stone seat, which was to be immediately conveyed thither from England; and the ceremony was to be performed by those Scottish prelates who were deputed by the church of Rome to that office. All parliaments regarding Scottish affairs were to be held within that kingdom; and a solemn oath was to be taken by the English monarch, that, as King of Scotland, he would preserve inviolate the rights and immunities of the holy Scottish church, and consent that she should be subject neither to bishop nor archbishop, but solely to the pope. In addition to all this, Edward engaged faithfully that the subjects of Scotland should never be called upon to answer to any suit, except within the courts of their own kingdom, and according to their own laws. He promised that no ecclesiastical benefices or dignities, and no civil or military office, such as that of chancellor, chamberlain, justice, sheriff, provost, bailie, governor of town or castle, or other officer, should be conferred on any, except the true subjects of the kingdom of Scotland; and that, in affairs touching the weal of that realm, he would select his councillors from the peers and lords of Scotland alone. He engaged, also, to maintain the prelates, earls, barons, and free tenants

of that country, in their franchises and seigniories, in their estates, rents, possessions, and offices, according to the terms of their charter; and pledged his royal word to make no revocation of any of the grants made or confirmed by Robert Bruce, or his son the present king.<sup>1</sup>

With regard to an important branch in the national prosperity — the commerce of Scotland—it was declared, that the merchants of that realm should fully and freely enjoy their own privileges, without being compelled to repair, for the sale of their commodities, to Calais, or any other staple, except at their own option; and that they should pay half a mark to the great custom upon each sack of wool which they exported. The duty on the exportation of English wool was higher; and this article formed one of those many devices by which Edward, in his present projects, artfully endeavoured to secure the good will of the rich burghers of Scotland,—a class of men now rising into influence and consideration. Nor were other baits for popularity neglected by those who framed this insidious treaty. To the powerful Earl of Douglas it was held out, that he should be restored to the estates in England which had been possessed by his father and his uncle; to the disinherited lords, the Earl of Athole, the Barons Percy, Beaumont, and Ferrers, with the heirs of Talbot, and all who claimed lands in Scotland, either by the gift of David when a prisoner, or on any other ground, there was promised a full restoration to their estates, without further trouble or challenge. The clergy were attempted to be propitiated by an article, which promised to every religious house or abbey, the restoration of the lands

<sup>1</sup> Rymer's *Fœdera*, vol. vi. p. 427.

which had been torn from them during the excesses and calamities of war; and to the numerous and powerful body of vassals, or military tenants, who formed the strength of the nation, it was distinctly announced that, under the change which was to give them a new king, they were only to be bound by the ancient and acknowledged laws of military service, which compelled them to serve, under the banner of their lord, for forty days at their own expense; but that afterwards, any farther continuance with the host should entitle them to receive pay according to their state and quality. A general indemnity was offered to all Scottish subjects, in the declaration that no challenge or action whatever should be used against those who had departed from the oaths of homage which they had formerly sworn to England; and, as to any additional conditions or articles which the three estates of Scotland might judge it right to demand, for the profit or good of their kingdom, the King of England declared, that these points should be duly weighed by his council, and determined according to their advice.

This extraordinary conference, which was not known to the ancient Scottish historians Fordun or Winton, concluded by a promise upon the part of David, that he would immediately sound the inclinations of his people, and inform the King of England and his privy council of their feelings regarding the propositions it involved, fifteen days after Easter.<sup>1</sup>

There remains no record by which we can discover whether this treaty was ever made the subject of deliberation in the Scottish parliament, or even in the privy council; but, fortunately for the peace of the country,

<sup>1</sup> *Fœdera*, vol. vi. p. 427.



it was unknown to the people for many hundred years after. Meanwhile David and his queen remained at the court of Edward, rendered at this time especially brilliant, by the presence of the Kings of France, Cyprus, and Denmark.<sup>1</sup> Amid the splendid entertainments, in which this weak prince endeavoured to forget his kingdom, and to silence and drown reflection, one is worthy of notice. Sir Henry Picard, a wine-merchant, gave a feast, in his mansion, to his royal master, Edward the Third. He invited, at the same time, the Kings of France, Scotland, Cyprus, and Denmark, with the personal suites of these monarchs, the sons of Edward, and the principal barons of England, who were all welcomed with princely magnificence. Whilst these guests were feasting in the hall, his wife, the Lady Margaret, received, in her apartments, the princesses and ladies of the court. A simple citizen of London, entertaining five kings in his own house, affords a remarkable picture of the wealth of the capital.

Amid such secret treachery and public rejoicings, the Scottish commissioners continued their negotiations for peace; and, after long debate and delay, returned to Scotland. David also repaired to his kingdom; and a parliament was summoned to meet at Perth, for the purpose of reporting to the three estates the result of the conferences on the projected treaty between the two countries.<sup>2</sup> This great council met, accordingly, on the 13th of January, 1364; and nothing could be more wise and independent than their conduct. The embarrassment of the nation, from the immense expenditure of public money, and the increasing anxiety caused by the great portion of the king's

<sup>1</sup> Barnes's Ed. III. p. 633. *Rotuli Scotiæ*, vol. i. p. 884, 38 Ed. III.

<sup>2</sup> Robertson's Parliamentary Records, p. 101.

ransom which was yet unpaid, were uppermost in their thoughts ; and they were willing to make every sacrifice to extricate the country from its difficulties, to be freed from the payment of the ransom, and to obtain an honourable peace. For the accomplishment of this end, they declared themselves ready to restore the disinherited lords, meaning by this the Earl of Athole, the Lords Percy, Beaumont, Talbot, Ferrers, Godfrey de Ross, and a few others of inferior note, to the estates which they claimed in Scotland ;<sup>1</sup> and to settle, upon the youngest son of the King of England, the lands in Galloway which were the inheritance of Edward Baliol, and the Isle of Man. The annual income of this island was rated at a thousand marks ; and it was stipulated, that if the Earl of Salisbury should claim the property of the island, an annuity of one thousand marks sterling should be paid to the prince, until lands of the same value were settled upon him, provided always that he held the same as the sworn vassal of the King of Scotland. In the event of such conditions being accepted by England as an equivalent for the ransom, they declared themselves ready to show their sincerity as allies by an invasion of Ireland, conducted by the king in person, and directed against that part of the coast where the landing was likely to be most successful.

The anxiety of the parliament for peace was strongly marked in the next article in their deliberations. "If," said they, "these conditions, which we are ready to make the basis of our negotiation, are not accepted by England, still, rather than renounce all hopes of a just and lasting peace, we have unanimously agreed that the ransom shall be paid, provided that moderate intervals between each term of payment are allowed ;

<sup>1</sup> Robertson's Parliamentary Records, p. 101.

and in the understanding that a perpetual union and alliance shall take place between the two nations, if not on terms of a perfect equality of power, at least on such conditions as shall in no degree compromise the freedom and independence of Scotland."<sup>1</sup> In these conditions the estates declared themselves willing to include the articles regarding the disinherited lords; the provision to the son of the King of England; and the invasion of Ireland, provided the talents and industry of those to whom the negotiation had been intrusted were unsuccessful in obtaining a mitigation of the same. A proportional deduction from the large sum of the ransom was of course to be made, if such conditions were accepted by England.

It became, in the next place, a subject of grave consideration with the parliament, what conduct ought to be pursued, if, by such sacrifices, they were yet unable to procure the blessing of peace; and in their deliberations upon this subject, a view is given of the great efforts which the country was ready to make, and of the mode in which the three estates proposed to raise money for the payment of the ransom, which is important and instructive.

Of the original sum stipulated, namely, one hundred thousand pounds sterling, twenty thousand marks had been already paid; although, owing to the instalments not having been regularly transmitted at the appointed periods, there had been an accumulation to a considerable amount in the form of penalty for non-payment. It was accordingly proposed by the parliament, that England should agree to a truce for twenty-four years, upon which they were ready to pay down annually, during the continuance of that period, five thousand marks sterling, till the sum of a hundred and

<sup>1</sup> Robertson's Parliamentary Records, p. 101.

twenty thousand marks was completed, being the whole accumulated ransom and penalty. Should the English council refuse a cessation on such terms, two other schemes were suggested. The first was the payment of a hundred thousand pounds, at the rate of five thousand marks yearly, exclusive of the twenty thousand marks already received by England; and if this should not be accepted, they declared their readiness, rather than renounce the hopes of a truce, to pay down in ten years, at the rate of ten thousand marks annually, the full sum of a hundred thousand marks, as stipulated in the first treaty regarding the ransom of the king.

The manner in which this enormous sum was to be raised, became next the subject of consideration. It was determined that an annual tax, or custom, of eight thousand marks, was to be levied upon the whole wool of the kingdom, and that certain faithful burghesses should be appointed to receive it, in Flanders, in English money; but the precaution was added, that some experienced person should attend in the weighing-house upon the part of the king, to superintend the annual payments, and watch over the interests of his master. In this manner, eight thousand marks were to be paid annually, according to the conditions of the first treaty.

In addition to this, it was enacted, in the same parliament, that a general annual tax should be levied, throughout the kingdom, of six pennies in the pound, upon every person, without exception. Out of this sum, two thousand marks were to be yearly appropriated to make up the ten thousand marks of the redemption money; and the residue was to remain in the hands of the chamberlain for the necessary expenses of the king.

The lords and barons assembled in parliament solemnly engaged to ratify and approve of any treaty of peace or truce, which the plenipotentiaries who managed the negotiation might conclude with the King of England and his council, and to adhere to, and carry into effect, the above-mentioned ordinance for the payment of the ransom. They agreed, also, that they would not, secretly or openly, for themselves or for their dependants, demand the restoration of any lands which, during the time stipulated for the payment of the ransom, should happen to fall in the king's hands by ward, relief, marriage, fine, or escheat, but allow the same to remain entire, in the custody of the chamberlain, for the use of the king; and, it was added, that they adopted this resolution, because the non-fulfilment of these conditions might lead to an utter abrogation of the treaty already in the course of negotiation; an event which could not fail to bring both disgrace and loss upon the king, the prelates, and the nobility, and destruction upon the rest of the kingdom.

The proceedings of this important parliament concluded by an oath, taken by the prelates, lords, and commons who composed it, with their hands upon the holy gospels, that they would, with their whole power, pursue and put down any person whatsoever who should infringe any of the resolutions above-mentioned: that they would regard such person as a public enemy, and a rebel against the crown; and, under the penalty of being themselves accounted perjured and traitorous persons, would compel him or them to the due observance of the stipulated agreement.<sup>1</sup> The Steward of Scotland, with his eldest son,

<sup>1</sup> Robertson's Parliamentary Records, pp. 101, 102. The original record, which has never been published, will be found in the Illustrations, letter A. It is dated 13th January, 1364.

John lord of Kyle, afterwards Robert the Third, the Earl of Ross, and Keith lord Mareschal, were the chief of the higher barons who sat in this parliament. A pilgrimage to the shrine of St Thomas à Becket<sup>1</sup> detained the powerful Earls of March and Douglas in England; but the attendance of the bishops and abbots, of the minor barons and the representatives of the royal burghs, was full; and the resolutions may be regarded as a fair criterion of the feelings and wishes of the kingdom.

In consequence of these deliberations, a farther negotiation took place at London between the English and Scottish commissioners, in which the heads of a new treaty of peace were debated and drawn out.<sup>2</sup> Of this treaty, the principal articles consisted in a proposed truce, for twenty-five years, between the two kingdoms, and an engagement, upon the part of Scotland, to pay into the English treasury a hundred thousand pounds sterling, in full of all demand for ransom, and of all penalties for non-payment at the stated period. In the meantime, until this long truce should be finally settled, a short one of four years was certainly to take place, during which the negotiations for a final peace were to proceed; and if, after the lapse of this probationary period, either country preferred war to peace, in that event, half a year's warning was to be given, previous to the commencement of hostilities, by letters under the great seal.<sup>3</sup> It was stipulated, also, upon the part of the King of Scotland, that, in the event of a declaration of war by Edward, after the four years' truce, all the sums

<sup>1</sup> *Rotuli Scotiae*, vol. i. pp. 878, 879.

<sup>2</sup> *Rymer's Fœdera*, vol. vi. p. 464.

<sup>3</sup> *Robertson's Parliamentary Records*, p. 102. The letter of David upon this projected treaty, is dated at the castle of Edinburgh, 12th June, 1365.

already paid, during this interval of peace, were to be deducted from the sum of eighty thousand marks of ransom money, which the king had bound himself to pay, by letters under his great seal. On these conditions, Edward prorogued the truce from the 20th of May, 1365, for the space of four years,<sup>1</sup> anxious to employ this interval of peace in renewed intrigues for the subjugation of the country.

In less than a month after this prorogation, a parliament was held at Perth, in the hall of the Dominican convent, in presence of the king, where the result of the latest conferences between the Scottish and English commissioners, regarding an ultimate peace, was anxiously debated.<sup>2</sup> It was attended by the Bishops of St Andrews, Dunkeld, Moray, Brechin, and Whithern, the Steward of Scotland, the Earls of Dunbar, Moray, and Douglas, John de Yle, Keith the Marshal, Sir Robert Erskine, Sir Henry de Eglinton, Sir William de Haliburton, Sir Roger Mortimer, Sir David Fleming, John of Argyle lord of Lorn, and Gillespie Campbell. In this parliament many of the nobility and lesser barons do not appear to have sat; and the circumstance of sixty-five of the principal Scottish merchants having received safe-conducts for travelling into England during the course of the preceding year,<sup>3</sup> may probably account for the absence of the representatives of the burghs from the same assembly. It would appear, from the fragment of an ancient record of its proceedings, which is all now left us, that Edward, as one of the bases of a final peace between the two countries, had insisted that

<sup>1</sup> Robertson's Parliamentary Records, p. 103. 20th June, 1365.

<sup>2</sup> Ibid. p. 104. 24th July, 1365.

<sup>3</sup> Rotuli Scotiæ, p. 885. The safe-conducts are dated the 4th November, 1364, and lasted for a year.

Scotland, in the event of England being invaded, should assist him with a subsidy of forty men-at-arms and sixty archers, to serve within England, and to be paid by that country. This obligation was to be binding upon Scotland for ever; or, in the event of its not being accepted by England, it was proposed, as an alternative, that David should assist Edward in his Irish war with a body of Scottish troops, who were to serve in Ireland for five years, but only for the space of three months each year. If, on the other hand, Scotland should be invaded by foreigners, an English auxiliary force of two hundred men-at-arms, and three hundred archers, was promised by Edward for the assistance of his ally, to be supported by Scotland. A reference was finally made to the resolutions drawn up in the parliament, which was held at Perth in the preceding year; and it was unanimously determined, that, rather than renounce the hope of a lasting peace, every article contained in these resolutions should be conceded to England, provided their commissioners did not succeed in obtaining some mitigation of the conditions.<sup>1</sup>

The extraordinary sacrifices which the Scottish parliament were ready to consent to for the sake of peace, encouraged Edward in the hope that the country was at length exhausted by its long struggle for freedom, and that its ultimate reduction under the power of England was not far distant; and the political measures which he adopted to secure this great end of his ambition, were far more likely to succeed than open force or invasion. The nation had been reduced to the lowest pitch of impoverishment in every branch of public wealth; and in this condition,

<sup>1</sup> Robertson's Parliamentary Records, p. 104.



by the encouragement which he extended to its merchants,<sup>1</sup> the security and protection which were given to the vassals and labourers, who lived upon the lands in Scotland subject to himself or to his nobles, and the privileges bestowed on the religious houses which had come under his peace,<sup>2</sup> he contrived to make them feel, in the most lively manner, the blessings of repose as contrasted with the complicated miseries of war. The minutest methods of engaging the affections and good wishes of the people were not neglected; and the conqueror at Cressy did not disdain to grant his royal letters to a Scottish tile-maker, that he might improve himself in his mystery by a residence in London.<sup>3</sup>

It is impossible now to discover the secret practices by which he succeeded in corrupting or neutralizing the patriotic principles of the higher classes of the nobility; but the fact is certain, that not only an almost uninterrupted but secret correspondence took place between the English and Scottish kings,<sup>4</sup> but that several of the greater barons embraced his interests; and that numbers of the knights and gentry of Scotland were detached from their country, either by entering into the service of foreign powers, by engaging in pilgrimages to England, or by permitting themselves to be seduced from their severer duties at home by the chivalrous attractions of the splendid court of Edward.

David and his queen paid repeated visits to the shrine of St Thomas of Canterbury; the powerful Earl of March repaired to England upon the same

<sup>1</sup> Rotuli Scotiæ, vol. i. p. 897. 16th Oct. 1365. Ibid. vol. i. p. 891.

<sup>2</sup> Ibid. vol. i. p. 894. 26th May, 1365. Ibid. p. 887, 906.

<sup>3</sup> Rotuli Scotiæ, vol. i. p. 905.

<sup>4</sup> Rotuli Scotiæ, vol. i. p. 896. 15th Aug. 1365. Dillon's History of Peter the Cruel, vol. ii. p. 50.

pretence;<sup>1</sup> John Barbour archdeacon of Aberdeen, a name famous as the metrical historian of Bruce, obtained a safe-conduct to proceed with six knights upon a foreign pilgrimage;<sup>2</sup> and we may form some idea of the extent to which these religious expeditions were carried, and the important advantage they gave to Edward in crippling the power of Scotland, from the fact that, in the end of the year 1365, a band of twenty-two Scottish pilgrims, most of them knights and soldiers, having in their company a body of a hundred horsemen, left their own country upon pilgrimages to different shrines in England, Europe, and Asia.<sup>3</sup> Another hold of Edward over the Scottish barons, was their needy circumstances, and their debts in England. David himself and his queen did not venture to come into that country without a special protection from arrest for his person and his whole establishment; and from the sums expended during their captivity, or in their ransom, and in support of the hostages, many of his barons were undoubtedly in the same situation:<sup>4</sup> exposed to the annoyance of an arrest if they thwarted the views of Edward, or treated with indulgence and lenity if they promoted the objects of his ambition.

At this time the English king carried his arrogance so far, as to designate Robert Bruce as the person

<sup>1</sup> From the extreme frequency of these pilgrimages, and the abruptness with which the rage for them seems to have seized the Scots, I suspect they sometimes were political missions under the cloak of religion. The first of them is in 1357, 12th March. *Rotuli Scotiæ*, p. 882. In the year 1363, the Earls of March, Douglas, and Mar, successively visited the shrine of St Thomas à Becket.

<sup>2</sup> *Rotuli Scotiæ*, p. 897. 16th Oct. 1365. <sup>3</sup> *Ibid.* vol. i. p. 901.

<sup>4</sup> *Rotuli Scotiæ*, vol. i. p. 900. 18th March, 1365-6. *Salvi conductus, cum protectione ab arresto, pro Rege et Regina Scotiæ, et pro comite Marchiæ limina Sancti Thomæ visitaturis.* See, also, *Rotuli Scotiæ*, vol. i. p. 882.

who had pretended to be King of Scotland; nor did he deign, in his various letters of protection, to give David the royal title, calling him his dear brother and prisoner, and affecting to consider Scotland as part of his own dominions.<sup>1</sup> This was not altogether a vain boast: various parts of that country, and some of its strongest castles, were in his hands, or in the occupation of his subjects; he possessed large tracts on the marches, in Annandale, Tynedale, Teviotdale, and Liddesdale; whilst the religious houses of Kelso and Melrose, and in all probability other abbeys or monasteries, whose names do not appear, had submitted to his authority, and enjoyed his protection.<sup>2</sup> Yet although the secret negotiations between the two countries continued, and David and his queen, from the frequency of their visits, seemed almost to have taken up their residence in England, the spirit of the country was in no degree subdued; and about this time Edward found himself compelled to issue orders to Henry Percy, with the Barons Lucy, Clifford, Dacres, and Musgrave, to keep themselves in readiness to repel a meditated invasion of the Scots.<sup>3</sup>

The Scottish parliament, which met at Perth in the summer of the preceding year, had expressed a hope that the commissioners, to whom they intrusted the negotiation of a peace, might succeed in obtaining some mitigation of the rigorous conditions proposed by Edward. In this expectation they were disappointed. That monarch, as was to be expected, increased in the insolence of his demands; and in an assembly of the Scottish council, which took place at

<sup>1</sup> Rotuli Scotiæ, vol. i. p. 901. 18th March, 1366-6.

<sup>2</sup> Ibid. vol. i. pp. 794, 875, 877, 880, 887, 896, 902, 908. Rymer's Fœdera, vol. vi. p. 594.

<sup>3</sup> Rotuli Scotiæ, p. 896. 20th Aug. 1365.

the monastery of Holyrood on the 8th of May, when David was, as usual, absent in England,<sup>1</sup> the spirit of the nobles who remained true to their country seems to have gathered courage from despair. They announced, in the strongest possible language, that the propositions of Edward with regard to the homage, the succession, and the dismemberment of the kingdom, could not for a moment be entertained; that they involved a submission which was altogether intolerable; and that, in the event of the probable rejection of all overtures of peace, the Scottish people, rather than consent to such degrading terms, were willing to make still greater sacrifices in order to pay off the ransom of their king. For this purpose, they declared themselves ready to submit to an additional tax upon all the lands in the kingdom, both lay and ecclesiastical. It was directed that the sheriff of each county should appoint certain days for the appearance of the richest proprietors within his jurisdiction; at which time they were to mark the precise sum which each was willing to contribute within three years, towards defraying the ransom, and afterwards to collect the amount. If this were done, it was calculated that, at the end of the four years' truce, the whole ransom money would be ready to be delivered to England.<sup>2</sup>

The Order of Council, from which these facts are extracted, is a mutilated document, and unfortunately contains no further information; but enough of it remains to evince the temper of the Scottish people; and any further attempts at negotiation only served

<sup>1</sup> Robertson's Parliamentary Records, p. 104. *Rotuli Scotiæ*, vol. i. pp. 900, 901.

<sup>2</sup> Robertson's Parliamentary Records, p. 104. The fragment of the Order of Council will be found in the Illustrations, letter B. Its date is the 8th of May, 1366.

to show the vanity of all expectations of a final peace, and to widen the breach between England and the well-affected part of the nation. In that country, preparations for war; orders to the lords-marchers to put the borders in a state of defence; to command an array of all fighting men between sixteen and sixty; and to strengthen and victual the castles on the marches,<sup>1</sup> succeeded to these abortive attempts at negotiation; and it seems to have been confidently expected in England that the Scots would break or renounce the truce, and attack the border counties. Meanwhile a parliament was convoked at Scone on the 20th of July,<sup>2</sup> which was fully attended by the bishops, abbots, and priors; by the high lords and lesser barons, as well as by the representatives of the royal burghs. The expenses which had been contracted by the incessant and wasteful visits of David and his queen to the court of Edward; the heavy sums due by the Scottish commissioners, who had been so long and so fruitlessly engaged in negotiations for peace; and the large balance of the ransom which still remained unpaid, formed altogether a load of debt, the payment of which became to this assembly a subject of ceaseless anxiety, and called for new sacrifices.

Three years of the short truce had expired; yet peace appeared now even more distant than before, and war and bankruptcy were fast approaching. In these circumstances, it was resolved to make a last attempt at negotiation; and to intrust its management to the same commissioners, the Bishop of St Andrews, Sir Robert Erskine, Wardlaw archdeacon of Lothian, and

<sup>1</sup> *Rotuli Scotiae*, vol. i. pp. 906, 908, 909. The castles of Berwick, Lochmaben, and Roxburgh, were then in the hands of Edward.

<sup>2</sup> Robertson's *Parliamentary Records*, p. 105. 20th July, 1366.

Gilbert Armstrong ; with directions that the articles, already drawn up in the former parliament at Perth,<sup>1</sup> should be the basis of their negotiation. If their efforts failed to procure a final peace, they were directed by the parliament to obtain, if possible, a prolongation of the truce for twenty-five years, on condition that Scotland should pay annually four thousand pounds in extinction of the remainder of the ransom. An exact estimate of the actual value of all the lands in the kingdom, as distinguished from that denominated the ancient extent, was appointed to be taken. In this census were included the lands belonging to the church, the estates of the nobles and lesser barons, the property of the burghers and merchants, and even the goods of the husbandmen or labourers. From this estimate of property a special exception is made, as before, in favour of the "white sheep," which were to pay nothing to the general contribution ; and it was directed that, on a certain day,<sup>2</sup> the returns should be given in at Edinburgh to the council ; after which, on summing up the whole, a contribution of eight thousand marks was to be levied upon the gross rental of the kingdom, to defray the expenses of the king's visits, to pay off the debts which he had contracted in his own kingdom, and to cover the charges of the commissioners. As to the four thousand pounds annually due as ransom money, it was agreed that, until the return of the commissioners, this should be paid out of the great custom which had been set apart for that purpose in a former parliament. After their return, it was deemed advisable by the parliament,

<sup>1</sup> Held on the 13th January, 1364.

<sup>2</sup> "*Infra festum nativitatis beate virginis, proximo futurum apud Edinburgh,*" viz. 8th September. Robertson's Parliamentary Records, p. 105.

that this sum of four thousand pounds should be taken out of the produce of the general tax upon the property of the kingdom ; and that two thousand pounds out of the same fund should be employed to relieve the king from debt, to pay his expenses, and the charges of the commissioners. This last sum was required without delay. It was, therefore, borrowed from the barons, clergy, and burgesses, in the proportions of one thousand from the first, six hundred from the second, and four hundred marks from the last order ; Sir Robert Erskine, and Walter Biggar the chamberlain, becoming surety to the burgesses that the debt should be duly paid as soon as the general tax was levied upon the property of the kingdom.

Such being the unexampled sacrifices which were cheerfully made by the nation, for the relief of the king, and the support of the crown, it was natural and just that some reciprocal favours should be granted for the protection of the people. Accordingly, at the request of the three estates, it was expressly proclaimed, that justice should be administered to every subject of the realm without favour or partiality ; and that whatever writs or letters had been directed from the Chancery or other court, in the course of the prosecution of any cause, should not be liable to be recalled by the sealed writ of any other officer ; but that the ministers, to whom such were addressed, be bound to give them full effect, and to return them endorsed to the parties. It was also solemnly stipulated, that no part of the sums collected for the ransom and the expenses of the king, or of his commissioners, should be applied to any other use ; that the church should be protected in the full enjoyment of her immunities ; and that all opponents to the regular levying of the tithes should be compelled to submit

peaceably to their exaction, under the penalty of excommunication, and a fine of ten pounds to the king. Nothing was to be taken from the lieges for the use of the king, unless upon prompt payment; and, even when paid for, the royal officers and purveyors were directed to exact only what was due by use and custom, and not to make the necessity of the king or their own will the rule of their proceeding. The parliament resolved, in the next place, that the rebels in Argyle, Athole, Badenoch, Lochaber, and Ross, and all who had defied the royal authority in the northern parts of the kingdom, should be seized, and compelled to submit to the laws, and to pay their share in the general contribution; besides being otherwise punished, as appeared best for securing the peace of the community. This brief notice in the Parliamentary Record is the only account which remains of what appears to have been a serious rebellion of the northern lords, who, encouraged by the present calamities, had thrown off their allegiance, at all times precarious, and refused to pay their proportion of the contribution for the relief of the kingdom. The principal leaders in this commotion were the Earl of Ross, Hugh de Ross, John of the Isles, John of Lorn, and John de Haye, who declined to attend the parliament, and remained in stern independence upon their own estates.<sup>1</sup>

All sheriffs and inferior magistrates, as well within as without burgh, were commanded to obey the chamberlain and other superior authorities, under the penalty of a removal from their offices. It was directed that no barons or knights, travelling through the country with horse or attendants, should permit their followers to insist upon quarters with the inferior

<sup>1</sup> Robertson's Parliamentary Records, p. 105.



clergy, or the farmers and husbandmen, so as to destroy the crops and meadows, and consume the grain ; that they should duly pay their expenses to the inns where they baited or took up their residence ; and that the chamberlain should take care that, in every burgh, such inns be erected and maintained according to the wealth of the place. No prelate, earl, baron, knight, or other person, lay or clerical, was to be permitted to ride through the country with a greater suite than became their rank ; and, under pain of imprisonment, such persons were enjoined to dismiss their bodies of spearmen and archers, unless cause for the attendance of such a force was shown to the king's officers. All remissions for offences granted by the king were declared cancelled, unless the fine was paid within the year from the date of the pardon ; and it was finally directed, that these regulations for the good of the state should be reduced to writing under the royal seal, and publicly proclaimed by the sheriffs in their respective counties.<sup>1</sup>

In consequence of the resolutions in this parliament, an attempt appears to have been made to procure a peace, which, as usual, concluded in disappointment, and only entailed additional expense upon the country.<sup>2</sup> It was followed by warlike indications upon the part of England. Orders were issued to the Bishop of Durham to fortify Norham, and hold himself in readiness to resist an invasion of the Scots ; Gilbert Umfraville was commanded to reside upon his lands in Northumberland ; an array was ordered of all fighting men between the ages of sixteen and sixty ;<sup>3</sup> and Henry Percy

Robertson's Parliamentary Records, pp. 105, 106. The whole record of this parliament, which has never been published, will be found in the Illustrations, letter C.

<sup>2</sup> Rotuli Scotiæ, vol. i. p. 909. 8th February, 1366.

<sup>3</sup> Ibid. pp. 909, 910, 911.

was enjoined to inspect the state of the castles upon the marches, and in the Anglicised part of Scotland.

It happened, unfortunately for that country, at a time when a combination of their utmost strength was absolutely necessary, that petty feuds and jealousies again broke out amongst the Scottish nobles. During the long captivity of David, and the consequent disorganized state of his dominions, the pride and power of these feudal barons had risen to a pitch destructive of all regular subordination: they travelled through the country with the pomp and military array of sovereigns; affected the style and title of princes; and, at their pleasure, refused to attend the parliament,<sup>1</sup> or to contribute their share to the relief of the king and the people. If offended, they retired to their own estates and castles, where, surrounded by their vassals, they could easily bid defiance to the authority of the laws; or they retreated into England, to occupy their time in tournaments, visiting holy shrines, or travelling, with an array of knights and squires, to various parts of Europe, where they lavishly wasted, in the service of foreign powers, the blood and treasures which ought to have been spent in securing the independence of their country.<sup>2</sup> Of this idle and unworthy conduct of the Scottish nobility, the rolls of the Tower furnish us with repeated examples. The Earl of Douglas, one of the most powerful subjects in Scotland, along with the Earl of March, who held the keys of the kingdom on the borders, and the Earl of Ross, a baron of formidable strength in the north, proudly absented themselves from parliament; and soon after, Douglas, with a retinue of four-and-twenty horse, obtained a safe-conduct from Edward to travel

<sup>1</sup> Robertson's Parliamentary Records, p. 106.

<sup>2</sup> Rotuli Scotiæ, vol. i. p. 924. 16th October, 1368.

into England, and beyond seas ; whilst his example, in deserting his country, was imitated by a body of thirteen Scottish clerks and barons, attended by a body of seventy-five horse.<sup>1</sup> In the battle of Nagera in Spain, fought a short time before this, between Edward the Black Prince and Peter the Cruel, against Henry of Transtamarre, many Scots were in the army of Henry ; and we have already seen that, some time before the same period, there appear to have been frequent emigrations of Scottish adventurers to join the Teutonic knights in Prussia.<sup>2</sup>

These, however, were not the only distressing consequences attendant on the long captivity of the king. The patrimony of the crown had been seriously dilapidated during the period of confusion which, notwithstanding all the efforts of the Steward, succeeded the battle of Durham. It was no longer what it had once been. Its rents and customs, its duties and its fines, its perquisites and privileges, had been gradually disused, or silently encroached upon ; and, in some instances, its lands had probably been seized, or made the subject of sale or gift : so that, from the actual want of funds, the king found it difficult to live in Scotland, or to support, as it became him, the expenses of his royal establishment, without a constant and oppressive taxation ; and this, perhaps, is the best excuse, although an insufficient one, for his frequent visits to England, and long residences in that country. As far back as 1362, we find that David's first queen had been under the necessity of pawning her jewels for debt ; and, only four years after, her royal consort was compelled to adopt the same painful expedient.<sup>3</sup>

<sup>1</sup> Rotuli Scotiæ, vol. i. pp. 915, 916. 16th and 26th October, 1367.

<sup>2</sup> Dillon's History of Peter the Cruel, vol. ii. p. 50.

<sup>3</sup> Computum Camerarii Scotiæ, pp. 395, 464.

This defalcation in the royal revenue amounted at length to a serious grievance; and a parliament was summoned at Scone, on the 27th of September, 1367,<sup>1</sup> for the purpose of taking the subject into consideration. It was determined that, to defray the expenses of the royal establishment, and to enable the king to live without oppressing the people, the patrimony of the crown must be restored to the condition in which it stood in the time of Robert Bruce and Alexander the Third; and that all the rents, duties, customs, perquisites and emoluments, which, having accrued to it in the interval between the death of these monarchs and the present day, had been grievously dilapidated, should be reclaimed. It was declared, with that short-sighted and sweeping spirit of legislation which marked a rude age, and a contempt of the rights of third parties, that if these rents or duties belonging to the crown had been disposed of, or, under certain conditions, entirely abolished, or if the crown lands had been let, either by the king or his chamberlain, still, such was the urgency of the case, that every thing was, by the speediest possible process, to be restored to it, as if no such transaction had ever taken place: all such leases, gifts, or private contracts, were pronounced null and void, and the whole patrimony was to be restored, with its ancient privileges, into the hands of the king. All lands in ward, all the feudal casualties, due upon the marriage of crown vassals, with the fines or perquisites of courts, were to remain in the hands of the chamberlain for the king's use; and if the sovereign was anxious to promote or reward any individual, this was directed to be done

<sup>1</sup> Robertson's Parliamentary Records, p. 108. 27th Sept. 1367. The record of this parliament will be found printed in the Illustrations, letter D.

out of the moveable property of the crown, and with the advice of the privy council. All deeds or charters by which such dilapidations of the property of the crown had been made, either in the time of Robert Bruce or of the present king, were ordered by the parliament to be delivered into the exchequer at Perth, to remain in the hands of the chancellor and the chamberlain; and any such deeds not so delivered upon the appointed day, were abrogated, and declared to be of no force or effect in all time coming.<sup>1</sup>

In the same parliament, a wise regulation was introduced with regard to those lands which, as has been already mentioned, were at this time in the hands of the enemy. It was declared that, as several large districts in the different counties of the kingdom had long been, and still were, "under the peace" of the King of England, in which there were estates holding of the king, and whose heirs had remained in Scotland his faithful subjects, it was deemed expedient by the parliament, as soon as all regular forms had been complied with, and such persons found by a jury to be the true heirs, that they should receive *letters of sasine* addressed to the sheriffs of the counties where the lands lay, which officers were commanded to give sasine to the true proprietors in their respective courts. This legal ceremony was pronounced to be as valid as if the feudal solemnity had taken place upon the lands themselves; nor was their possession by the enemy, for however long a period, to operate to the prejudice of their true proprietors.<sup>2</sup>

Still clinging eagerly to the hopes of peace, and well aware, from experience, of the evils of a protracted war, the parliament recommended a renewal of the

<sup>1</sup> Robertson's Parliamentary Records, p. 108.

<sup>2</sup> Ibid. p. 109.

negotiations on this subject, and empowered the king and his privy council to choose commissioners, and to impose a tax for the payment of their expenses, without the necessity of calling a new parliament, and obtaining its sanction to their proceedings.<sup>1</sup> The greater the anxiety, however, which was manifested by the Scots, the less likely was Edward to listen to their representations, or to indulge them, so long as they asserted their independence, with any hopes of a permanent peace. Two attempts at negotiation, which were made within the space of a few months, by the same commissioners who had hitherto been so unsuccessful in all their diplomatic undertakings, ended in new and more intolerable demands upon the part of Edward, and a determined refusal by the Scottish parliament to entertain them.<sup>2</sup> This, however, did not prevent the king and his consort from setting out on their usual visit to England. With a retinue of a hundred knights, and a numerous body of attendants, they travelled to the shrine of St Thomas of Canterbury; and, in this foolish parade of pleasure and devotion, incurred a deeper load of debt, at the very time that their poverty had become the subject of parliamentary inquiry, and when they could not venture to visit the English court without a royal protection from arrest. The sums thus idly thrown away, on their return had to be wrung out of the hard-earned profits of the commercial and labouring classes of the community, in a country already impoverished by a long war; and it is difficult to find terms sufficiently strong to reprobate such unworthy conduct upon the part of a sovereign who already owed so much to his people.

<sup>1</sup> Robertson's Parliamentary Records, p. 109.

<sup>2</sup> Rotuli Scotiæ, vol. i. p. 916, 28th Oct. 1367; and p. 917, 22d Jan. 1367-8. Robertson's Parliamentary Records, p. 112.

The state of Scotland, and the relations between that country and England, at the present period, were of a singular kind. There was a constant amicable correspondence between the merchants of both countries; and a commercial intercourse of unexampled activity, especially upon the part of Scotland, encouraged and protected by Edward, pilgrimages to holy shrines, emigrations of Scottish students, with almost perpetual negotiations regarding a final peace, appeared to indicate the utmost anxiety to preserve the truce, and an earnest desire that the amity should continue. But much of this was hollow. Orders to the English wardens to strengthen the castles on the marches; to summon the vassals who were bound to give suit and service; to call out the array of all able to bear arms; and repeated commands to the lords-marchers to be ready to repel the enemy at a moment's warning, occurred in the midst of these pacific and commercial regulations, and gave ample proof that a spirit of determined hostility still lurked under the fairest appearances. Yet Edward, from the calamitous circumstances in which the country was placed, had a strong hold over Scotland. The king's extreme unpopularity with the people, the load of personal debt contracted by himself and his queen, and the constant irritation and jealousy with which he continued to regard the High-steward, whom he had imprisoned,<sup>1</sup> rendered any lengthened residence in his own dominions unpleasant; and in this manner not only did the breach between the sovereign and the barons who supported the cause of independence become every day

<sup>1</sup> Fordun a Goodal, vol. ii. p. 380. Chamberlain Accounts, vol. i. p. 498. From these curious and authentic documents we learn, that the expenses of the Steward's maintenance in prison for three weeks, were 5 lb. 13 sh., and of his son Alexander, 21 sh. Ibid. p. 524.

wider, but David's anxiety to reside in England, and his unnatural desire to favour the intrigues of Edward, grew into a confirmed passion, which threatened the most fatal effects.

The nation had already been weighed down by a load of taxation which it was little able to bear ; some of the strongest castles and most extensive districts on the marches were possessed by English soldiers ; the northern parts of the kingdom were in actual rebellion ; many of the islands in the western seas were occupied and garrisoned by the English ;<sup>1</sup> and Edward possessed the power of cutting off the only source of Scottish wealth, by prohibiting the commercial intercourse between the two countries. We are not to wonder, then, at the sanguine hopes which this able monarch appears to have entertained, of finally completing the reduction of Scotland, but rather to admire the unshaken perseverance with which, under every disadvantage, this country continued to resist, and finally to defeat, his efforts.

In a parliament held at Scone in the summer of the year 1368,<sup>2</sup> whose spirited rejection of the conditions of subjection and dependence proposed by Edward, has been already alluded to, the rebellion of the northern parts of the kingdom, and the most effectual methods of reducing these wild districts to obedience, were anxiously considered. John of the Isles, one of the most powerful of the refractory chiefs, had married a daughter of the Steward of Scotland,<sup>3</sup> who was considered, therefore, as in some measure responsible for his son-in-law ; and David, probably not unwilling to

<sup>1</sup> Robertson's Parliamentary Records, p. 116.

<sup>2</sup> Ibid. p. 112.

<sup>3</sup> Ibid. p. 115. The Steward had been imprisoned in 1363. When he was liberated does not appear ; but he was evidently now no longer a close prisoner.



implicate this high officer as a disturber of the peace of the kingdom, addressed him in person, and charged him, with his sons, the Lords of Kyle and Menteith, to defend his subjects within the territories over which their authority extended. It was his duty, he said, to put down the rebellion which had arisen, that, in the event of war, the estates of the kingdom might there have a safe place of retreat ; an allusion strongly descriptive of the desperate conjuncture to which the affairs of the country were reduced.<sup>1</sup> John of the Isles, Gillespie Campbell, and John of Lorn, were at the same time commanded to present themselves before the king, and to give security for their future pacific conduct, so that they and their vassals should no longer alarm and plunder the land ; but, with their equals and neighbours, submit to the labours and the burdens imposed upon them by the laws.

There is something striking and melancholy in the tone of this parliament, where mention is made of the feuds amongst the nobility ; and a hopelessness of relief appears in the expressions employed, evincing how far above the reach of parliamentary remonstrance or command these petty sovereigns had raised themselves. They were addressed in the language of advice and entreaty, not of command ; the absolute necessity of providing for the defence of the kingdom was insisted on ; and they were earnestly and somewhat quaintly admonished to compose their feuds and dissensions, or at least to satisfy themselves by disquieting each other in the common way of a process at law. The king was recommended to hold a council with the Earls of March and Douglas, the wardens of the east marches ; although, it was added, these barons seemed little dis-

<sup>1</sup> Robertson's Parliamentary Records, p. 112.

posed to labour for the common weal. The chamberlain, assisted by a committee of four knights of soldierly talent and experience, was directed to visit, in the first place, the royal castles of Lochleven, Edinburgh, Stirling, and Dunbarton, and to give orders for their being completely repaired, garrisoned, victualled, and provided with warlike engines and other necessities for defence; after which, the remaining castles in the kingdom were to be carefully surveyed, and put into a state of effectual resistance.<sup>1</sup>

But the strength and activity in the royal authority, which was requisite to carry these wise regulations into effect, were at this time pre-eminently wanting in Scotland; and, nine months after this, when the great council of the nation again assembled,<sup>2</sup> the rebellion in the north was still only partially extinguished. John of Lorn and Gillespie Campbell had indeed submitted, and again made their appearance among the higher nobility; whilst the Earls of Mar and of Ross, with other northern barons, alarmed at last by a sense of the public danger, joined in the deliberations for the national security, and engaged, within their territories, to administer justice, put down oppression, and assist the royal officers to the utmost of their power and ability. The Steward of Scotland, also, who attended the parliament in person with his two sons, came under the same obligation for the divisions of Athole, Strathern, Menteith, and other lands in the northern parts of the kingdom; but John of the Isles haughtily refused to submit; and, in the wild and inaccessible domains over which his authority extended, defied the royal

<sup>1</sup> Robertson's Parliamentary Records, pp. 112, 113. The record of this parliament, which met at Scone on the 12th June, 1368, will be found in the Illustrations, Letter E.

<sup>2</sup> Robertson's Parliamentary Records, p. 113. 6th March, 1368.

power, and insisted that his islanders were not bound to contribute their portion to the public burdens.

The truce was now within a single year of its expiration ; and many districts of the country, by the ravages of border war, and long neglect of culture, were unable to pay the contributions, upon which its continuance could alone be secured. To prevent the misery of a famine in some places, Edward permitted the distressed inhabitants to purchase the common necessities of life in England ; and, to such a height had the dearth proceeded, that it was found necessary to import from that country, under a royal license, the most ordinary supplies which were required for the use of David's household.<sup>1</sup> Yet, in the midst of this unexampled distress, it was resolved by parliament to make a last effort to discharge the remaining sum of the ransom, by imposing a tax of three pennies in the pound, to be levied generally over the kingdom ; and, at the same time, the Bishop of Glasgow and Sir Robert Erskine were despatched upon a mission to England, for the purpose of negotiating a prorogation of the truce.<sup>2</sup>

It was at this moment, when Scotland seemed to be rapidly sinking under her accumulated distresses, that one of those events which are sent by God to alter the destiny of nations, again inspired life and hope into the country. Edward, irritated at the contempt evinced by Charles the Fifth for the treaty of Bretigny, again plunged into a war with France, in which the successes of Du Guesclin soon convinced him, that a concentration of his whole strength would be absolutely required to restore his affairs on the continent to any thing like

<sup>1</sup> Rotuli Scotiæ, vol. i. pp. 924, 930.

<sup>2</sup> Robertson's Parliamentary Records, p. 114. Rotuli Scotiæ, vol. i. p. 928, 6th April, 1369.

their former prosperity. Peace to him became now as necessary as to the Scots; and the imperiousness of his demands experienced an immediate relaxation. There was now no longer any mention of those degrading terms of subjection and dismemberment, which had been so indignantly repelled by the Scottish parliament; and the English monarch at last consented to a treaty, by which the truce between the kingdoms was renewed for the space of fourteen years.<sup>1</sup> Fifty-six thousand marks of the king's ransom remained still unpaid; and it was agreed that the country should annually transmit to England the sum of four thousand marks till the whole was defrayed. As to the estates in the county of Roxburgh, then in possession of English subjects, and whose inhabitants had come under the peace of the English king, it was agreed that one-half of their rents should be received by the Scottish proprietors, who had been dispossessed by the superior power of England; while the lands, with their tenantry, were to remain in the same state of fealty to Edward and his heirs in which they now were, and to be governed by the advice and consent of a council of English and Scottish subjects.<sup>2</sup>

Some time before affairs took this favourable turn, the condition of the northern districts, and the conduct of John of the Isles, again called for the interference of government. The Steward had engaged to reduce the disaffected districts; but, either from want of power or inclination, had failed in his attempt; and

<sup>1</sup> Robertson's Parliamentary Records, p. 116. From 2d February to the 24th August, or Purification of the Virgin, 1369; and from that date for fourteen years.

<sup>2</sup> Robertson's Parliamentary Records, p. 116. The letter of the prelates and barons of Scotland, containing the conditions of the truce, is not dated; but it seems to have been written a few days before the 1st of August, 1369. See *Rotuli Scotiæ*, vol. i. p. 934.

David, incensed at the continued refusal of the islands to contribute their share in the general taxation, and assuming an unwonted energy, commanded the attendance of the Steward, with the prelates and barons of the realm; and, surrounded by a formidable force, proceeded against the rebels in person. The expedition was completely successful. The rebel prince, John of the Isles, with a numerous train of those wild Highland chieftains who followed his banner, and had supported him in his attempt to throw off his dependence, met the king at Inverness, and submitted to his authority. He engaged for himself and his vassals, that they should become faithful subjects to David, their liege lord; and not only give obedience to the ministers and officers of the king in suit and service, as well as in the payment of taxes and public burdens, but that they would put down all others, of whatever rank, who dared to resist the royal authority, and would either compel them to submit, or would pursue and banish them from their territories. For the fulfilment of this obligation, the Lord of the Isles not only gave his oath, under the penalty of forfeiting his whole principality if it was broken, but offered the High-steward, his father-in-law, as his security; and delivered his son Donald, his grandson Angus, and his natural son, also named Donald, as hostages for the performance of the articles of the treaty.<sup>1</sup>

It is stated by an ancient historian, that, in reducing within the pale of regular government the wild Scots and the islanders, who had long resisted all authority, David employed artifice, as well as force,

<sup>1</sup> Robertson's Parliamentary Records, p. 115. The submission of John of the Isles, dated the 15th of November, 1369, will be found printed in the Illustrations, letter F.

by holding out high premiums to all those who succeeded either in slaying or making captive their brother chiefs. In a short time, the expectation of reward, and the thirst for power, implanted the seeds of disunion amongst these rebel chiefs, and they gradually wrought out their own destruction ; so that, the leaders of the rebellion being cut off, their dominions were easily reduced into a state of quiet and subjection.<sup>1</sup>

Soon after the king's return from an expedition which he had undertaken in the depth of winter, and conducted with great ability and success, a parliament was assembled at Perth, for the purpose of taking into consideration the state of the kingdom, the expenses of the royal household, and the administration of justice. In the parliament which had been held at Scone in the preceding year,<sup>2</sup> an expedient had been adopted, apparently for the first time, by which part of the community of estates were allowed to absent themselves, after they had chosen certain persons amongst the prelates and barons, who might deliver judgment in the pleas of law, and consult upon the general business of the nation. In this parliament, the same measure was repeated, with greater formality and distinctness. A committee, consisting of six of the clergy, amongst whom were the Bishop of Brechin, the chancellor, and the chamberlain John de Carrie, fourteen of the barons, and seven of the burghesses, was appointed to deliberate, and give their judgment, upon all such judicial questions and complaints as necessarily came before the parliament. To a second committee, including in its numbers the clergy and the barons alone, was intrusted the man-

<sup>1</sup> Fordun a Goodal, vol. ii. p. 380.

<sup>2</sup> Robertson's Parliamentary Records, p. 113.

agement of some special and secret matters regarding the king and the nation, which it was not deemed expedient, in the first instance, to communicate to the parliament at large. This was a dangerous and somewhat despotic innovation upon the freedom of the great council of the nation; and had the change been introduced earlier in the present reign, it would have placed an instrument in the hands of the king, and the corrupted part of the nobility, which might have been directed with fatal success against the independence of the country. This second committee consisted of six of the clergy, and eleven of the barons, with such other members as the king chose to select; and it was ordained that no person whatever, however high his rank, should be permitted to introduce into the council of parliament, or the privy council, any member as his adviser or assessor, unless such as had been chosen by the general vote of the parliament.

The necessity of this secrecy as to the affairs which came before the committee intrusted with the consideration of the king's debts, was soon apparent; and the object of excluding the representatives of the royal burghs could not be mistaken. It was declared that all the debts of the king throughout the realm, which had been contracted up to the period of the exchequer court, held at Perth, at the Epiphany, in the year 1368, were remitted and cancelled; that from this date, whatever was borrowed for the ransom, or the royal expenses, should be promptly paid; and that no customs should be levied by the king's officers for the aid of the crown, but according to the ancient and established practice of the realm. In this manner, by the very first public act of this partial and unconstitutional committee, were the great principles of good faith wantonly sacrificed; and the

rights of the mercantile classes, who had advanced their money, or sold their goods, for the royal use, trampled upon and outraged, by an act which was as mean as it was unjust.

In the next place, an attempt was made, in consequence of the northern parts of the kingdom having been reduced under the king's authority, to equalize the taxation over the whole country. To pacify the dangerous murmurs of the lowland districts, which produced wool, and paid on every sack a heavy tax to the crown, it was determined, that in those upper counties where this tax was not collected, sheep not having been introduced,<sup>1</sup> but which abounded in agricultural produce, the chamberlain should either levy an annual tax upon the crops and farm-stocking, for support of the king's household, or that the king, at certain seasons, should remove his court to these Highland districts, and, during his residence there, assess them for his support. The extensive estates, or rather dominions, of John of Lorn, John of the Isles, and Gillespie Campbell, with the territories of Kentire, Knapdale, and Arran, were the lands where the new regulation was enforced.

It was ordained in the same parliament, that no native subject, or foreigner, of whatever rank he might be, should export money, either of gold or silver, out of the country; always excepting such sums as were necessary for the travelling expenses of those who had been permitted to leave the realm, unless he paid forty pence upon every pound to the exchequer; and with regard to those who made a trade of pur-

<sup>1</sup> Robertson's Parliamentary Records, pp. 109, 113. The exemption in favour of "white sheep" in the taxation by the parliament of 20th July, 1366, (Robertson's Parliamentary Records, p. 105,) was intended, probably, as an encouragement to the introduction of a new breed.



chasing horses, cows, or other animals, for exportation, they were commanded to pay a duty of forty pence upon every pound of the price of the horse, and twelve pence upon the price of all other animals. In the event of any contravention of the regulations as to the export of the coin, the delinquent was to be fined twenty shillings upon every penny of the duty which he had eluded; a strict investigation was ordained to be made of all such offenders, in order that the quantity of coin carried out of the kingdom might be accurately determined; and they were directed to be tried by indictment before the justiciar.

As grievous complaints had proceeded from every county in the kingdom, against the extortion of the mairs, sergeants, and other officers of the crown, and such accusations had even been made to the king in person, it was judged expedient to adopt some decided measures against this evil. Accordingly, orders were given to the justiciars and chamberlains, in their several counties, to cause all persons who, since the period of the king's captivity, had enjoyed these offices, to appear before them on a certain day, previous to the conclusion of the present parliament, when an investigation was to be made, before the three estates, of the exact amount of the loss which the king had sustained by their malversation. All who were in this manner detected were ordered to be imprisoned, and to lose their offices for the whole period of their lives.<sup>1</sup> The justiciars, sheriffs, and other inferior judges, were strictly commanded not to give execution to any mandate, under any seal whatever, not excepting the great or the privy seal, if such mandate were contrary to the law of the realm; and the merchants and bur-

<sup>1</sup> Robertson's Parliamentary Records, pp. 117, 118.

gesses were enjoined not to leave the kingdom without license from the king or the chamberlain.

Such were the only important regulations which were passed in this parliament, the last held by David the Second.<sup>1</sup> The same year was rendered remarkable by the divorce of the queen ; an incident of which the private history is involved in much obscurity. She was beautiful, and apparently fond of admiration. The little we know of her private life proves her to have been expensive, and addicted to costly pilgrimages, in which she was accompanied with a retinue of knights and attendants; expeditions, in those times, sometimes undertaken for the purposes of pleasure rather than devotion. She appears also to have been ambitious to interfere in the public affairs of the kingdom ; and we have seen that, not long before this, her influence persuaded the king to cast the Steward and his sons into prison. Nothing, however, can be more dark or unsatisfactory than the only notice of this singular event which remains to us ; and, unfortunately, the public records throw no light upon the transaction. The sentence of divorce was pronounced in Lent ; but the queen, collecting all her wealth, found means to convey herself and her treasure, with great privacy, on board a vessel in the Forth, in which she sailed for France, and carried her appeal in person to the papal court, then at Avignon. She there obtained a favourable hearing ; nor was the king, who sent his envoys for the purpose to the court of the pope, able to counteract the impression in her favour. The cause disturbed the kingdom, and was so bitterly contested, that an interdict began to be threatened, when the fair appellant died herself, on her journey to Rome.<sup>2</sup>

<sup>1</sup> 18th February, 1369.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 380.

What became of the process, or what judgment was ultimately pronounced, cannot now be discovered ; but, so late as the year 1374, Robert the Second considered the cause of such moment that he despatched an embassy to Charles the Fifth of France, soliciting that prince to use his influence with the pope and cardinals to obtain a judgment.<sup>1</sup>

Immediately after the divorce, the High-steward and his sons were liberated from prison, and restored to favour ; while the king, whose life had been devoted to pleasure, began to think of his sins, and, in the spirit of the age, to meditate an expedition to the Holy Land. For this purpose, he assembled at his court the bravest knights of his time, declaring it to be his intention to appoint a regency, and depart for Palestine, with the purpose of spending the remainder of his life in war against the infidels. But, in the midst of these dreams of chivalrous devotion, a mortal illness seized upon him, which baffled all human skill ; and he died in the castle of Edinburgh, on the 22d of February, 1370, in the forty-seventh year of his age, and the forty-first of his reign.

It is painful to dwell on the character of this prince ; who was, in every respect, unworthy of his illustrious father. It happened, indeed, unfortunately for him, that he was promoted to the throne when almost an infant ; and not only lost the advantage of paternal instruction and example, but, by the early death of Douglas and Randolph, was deprived of the only per-

<sup>1</sup> Robertson's Index to the Charters, p. 100, No. 4. When at Avignon, Margaret Logy borrowed 500 marks from three English merchants, one of whom was William of Walworth : in all probability the same person who afterwards became Mayor of London, and stabbed Wat Tyler. *Fœdera*, vol. vi. p. 727. She is mentioned as the quondam Queen of Scotland in the Chamberlain Accounts, vol. i. p. 521.

sons who might have supplied the want ; whilst his long exile in France, and a captivity of eleven years, rendered him almost a stranger to his people. Had there, however, been any thing great or excellent in David Bruce, he would have surmounted these disadvantages : yet we look in vain for a noble, or even a commendable quality ; whilst the darker parts of his disposition are prominently marked. He was uniformly actuated by a regard to his own selfish pleasures, and a reckless forgetfulness of all those sacred and important duties which a king owes to his people. His understanding was one of limited and moderate power ; and, while he formed his opinions upon hasty and superficial views, he was both obstinate in adhering to them when evidently erroneous, and capricious in abandoning them before they were proved to be ill-founded. The battle of Durham, his captivity, and the long train of calamities which it entailed upon the nation till the conclusion of his reign, were the fruits of his obstinacy : the inconsistent wavering and contradictory line of policy, which is so strikingly discernible in his mode of government after his return, was the effect of his passion and caprice. Personal courage he undoubtedly possessed. It was the solitary quality which he inherited from his father ; and of this he gave a memorable proof, in his proposal to alter the order of succession in favour of an English prince, — a measure of singular baseness and audacity.

It is this that forms the darkest blot upon his memory. His love of pleasure, and devotion to beauty, will find an excuse in many hearts ; his extravagance some may call kingly, even when supported by borrowed money : but it can never be palliated or forgotten, that he was ready to sacrifice the independence of the kingdom to the love of his personal liberty, and

his animosity against the Steward; that the most solemn oaths by which he was bound to his people were lightly regarded, when brought in competition with these selfish and sordid passions. Such a monarch as this, who, at the mature age of forty-seven, evinced no real symptoms of amendment, was little likely to improve in his latter years; and it is humiliating to think, that the early death of the only son of Robert the Bruce must have been regarded as a blessing, rather than a calamity, by his country.

AN  
HISTORICAL INQUIRY  
INTO THE  
ANCIENT STATE OF SCOTLAND,  
EMBRACING PRINCIPALLY THE PERIOD  
FROM THE ACCESSION OF ALEXANDER THE THIRD  
TO THE DEATH OF DAVID THE SECOND.



## CHAP. II.

# AN HISTORICAL INQUIRY INTO THE ANCIENT STATE OF SCOTLAND.

---

HAVING brought this work down to the great era of the accession of the house of Stewart, in the occupation of the throne by Robert the Second, I propose to pause for a short time, in order to cast our eye over the wide field through which we have travelled, and to mark, as fully as our imperfect materials will permit, the progress of the nation in some of those great subjects which form the body of its civil history. The general features and appearance of the country; its agriculture, commerce, and manufactures; the manners and amusements, the superstitions and character, of the people; the system of feudal government under which they lived; their progress in the arts which add comfort, or security, or ornament to life; the character of their literature, are subjects upon which our curiosity is naturally active and eager for information; but it is unfortunate that the writers who can alone be considered as authentic have regarded such investigations as either uninteresting or beneath the dignity of the works in which they had engaged. Some lights, however, are to be found scattered through their works, or reflected from the



public muniments and records of the times; and it is to the guidance of these alone, however feeble and imperfect, that the historian can commit himself.

It must necessarily happen that, in an attempt of this kind, owing to the paucity of materials, and to the extreme remoteness of the period, any thing like a full account of the country is unattainable; and that it is exceedingly difficult to throw together, under any system of lucid arrangement, the insulated facts which have been collected: I have adopted that order which appears the most natural.

---

## SECTION I.

### GENERAL APPEARANCE OF THE COUNTRY.

We must be careful not to permit the ideas which are derived from the condition of Scotland in the present day, to influence our conclusions as to its appearance in those rude and early ages of which we have been writing. No two pictures could be more dissimilar than Scotland in the thirteenth and fourteenth, and Scotland in the nineteenth century. The mountains, indeed, and the rivers, are stern and indomitable features of nature, upon which the hand of man can work but feeble alterations; yet, with this exception, every thing was different. The face of the country was covered by immense forests, chiefly of oak, in the midst of which, upon the precipitous banks of rivers, or on rocks which formed a natural fortification, and were deemed impregnable to the military art of that period, were placed the castles of the feudal barons.

One principal source of the wealth of the proprietors of these extensive forests consisted in the timber which they contained, and the deer and other animals of the chase with which they abounded. When Edward I. subdued and overran the country, we find him in the practice of repaying the services of those who submitted to his authority, by presents of so many stags and oaks from the forests which he found in possession of the crown. Thus, on the 18th of August, 1291, the king directed the keeper of the forest of Selkirk to deliver thirty stags to the Archbishop of St Andrews; twenty stags and sixty oaks to the Bishop of Glasgow; ten to the High-steward; and six to Brother Bryan, Preceptor of the Order of Knights Templars in Scotland.<sup>1</sup>

To mark the names, or define the exact limits of these huge woods, is now impossible; yet, from the public records, and the incidental notices of authentic historians, a few scattered facts may be collected.

In the north, we find the forest of Spey,<sup>2</sup> extending along the banks of that majestic river; the forests of Alnete and of Tarnaway, of Awne, Kilblene, Langmorgan, and of Elgin, Forres, Lochindorb, and Inverness.<sup>3</sup> The extensive county of Aberdeen appears to have been covered with wood. We meet there with the forests of Kintore, of Cardenache, Drum or Drome, Stocket, Killanell, Sanquhar, Tulloch, Gasgow, Darus, Collyn, and what is called the New Forest of Innerpeffer.<sup>4</sup> In Banff was the forest of Boyne; in

<sup>1</sup> Rotuli Scotiæ, vol. i. pp. 4, 5. 18th August, 1291.

<sup>2</sup> Ibid. vol. i. p. 5. Anno 1291, m. 11.

<sup>3</sup> Ibid. p. 9. Robertson's Index to the Charters, pp. 32, 35, 42. Rolls of Parliament, ii. 469, quoted in Caledonia, vol. i. p. 792. Fordun & Hearne, p. 1027.

<sup>4</sup> Robertson, pp. 23, 33, 38, 58, 71, 72; also, Rotuli Scotiæ, in anno 1292, p. 10. Chamberlain Accounts. Compot. Vicecomitatus Aberdein, p. 298.

Kincardine and Forfar the forests of Alyth, Drymie, and Plater;<sup>1</sup> in Fife, those of Cardenie and Uweth;<sup>2</sup> in Ayrshire, the forest of Senecastre;<sup>3</sup> in the Lowlands, those of Drumselch,<sup>4</sup> near Edinburgh; of Jedburgh and Selkirk, Cottenshope, Maldesley,<sup>5</sup> Ettrick, and Peebles; of Dolar, Traquhair, and Melrose.<sup>6</sup>

The counties of Stirling and Clackmannan contained extensive royal forests, in which, by a grant from David I., the monks of Holyrood had the right of cutting wood for building and other purposes, and of pasture for their swine.<sup>7</sup> In the reign of the same king, a forest covered the district between the Leader and the Gala; and in Perthshire, occupied the lands between Scone and Cargil.<sup>8</sup> Tracts which, in the present day, are stretched out into an interminable extent of desolate moor, or occupied by endless miles of barren peat-hags, were, in those early ages, covered by forests of oak, ash, beech, and other hard timber. Huge knotted trunks of black oak, the remains of these primitive woods, have been, and are still, discovered in almost every moor in Scotland. Such, indeed, was, at an early period, the extent and imperious nature of these woods, that the English, in

<sup>1</sup> Robertson's Index, pp. 39, 55, 67, and *Rotuli Scotiæ*, p. 8.

<sup>2</sup> Robertson, p. 47. *Cartulary Dunferm.* f. 12 and 20.

<sup>3</sup> *Cartulary of Paisley*, p. 46, in *Caledonia*, vol. i. p. 793.

<sup>4</sup> *Caledonia*, vol. i. p. 793.

<sup>5</sup> Chamberlain Accounts. *Rotuli Comp. Temp. Custod. Regni*, p. 62.

<sup>6</sup> *Rotuli Scotiæ*, in anno 1296, vol. i. p. 33. *Ibid.* pp. 5, 278, 380. *Ibid.* p. 748. *Cartulary of Dunferm.* p. 10. *Rotuli Scotiæ*, p. 7; and Fordun, p. 1048. Robertson, p. 81. Chron. Melross, ad anno 1184, quoted in Dalziel's *Fragments*, p. 32. *Cartulary of Kelso*, p. 323. *Caledonia*, p. 798.

<sup>7</sup> *Caledonia*, vol. i. p. 792.

<sup>8</sup> *Cart. Melrose*, p. 104. *Cart. of Scone*, p. 16. Where I quote manuscript *Cartularies*, the reader will find the originals in the Library of the Faculty of Advocates, Edinburgh, unless some other collection is mentioned.

their invasions, endeavoured to clear the country by fire and by the hatchet ; and Knighton relates, that in an expedition of the Duke of Lancaster into this country, in the reign of Richard the Second, this prince, having recourse to these methods, employed in the work of destruction so immense a multitude, that the stroke of eighty thousand hatchets might be heard resounding through the forests, whilst the fire was blazing and consuming them at the same moment.<sup>1</sup> So erroneous is the opinion of a conjectural historian, who pronounces that there is little reason to think that, in any age of which an accurate remembrance is preserved, this kingdom was ever more woody than it is now.<sup>2</sup>

In the times of which we write, however, many districts in the midst of these forests had been cleared of the wood, and brought under cultivation. Thus, in the forest of Plater, in the county of Forfar, David the Second, in 1366, made a grant of four oxgangs of arable land for a reddendo of a pair of white gloves, or two silver pennies, to Murdoch del Rhynd.<sup>3</sup> In the same forest, the monks of Restennet, at the death of Alexander the Third, enjoyed the tenth of the hay made in its meadows ;<sup>4</sup> and in 1362, the king permitted John Hay of Tullyboll to bring into cultivation, and appropriate, the whole district lying between the river Spey and the burn of Tynot, in the forest of Awne.<sup>5</sup> From these facts it may be inferred, that the same process of clearing away the wood, and reducing large districts of the forests into fields and meadow lands, had been generally pursued throughout

<sup>1</sup> Knighton apud Twysden, vol. ii. p. 2674. Barbour's Bruce, p. 323.

<sup>2</sup> Wallace on the Nature and Descent of Peerages, p. 36.

<sup>3</sup> Robertson's Index, p. 81.

<sup>4</sup> MS. Monast. Scotiæ, p. 31, quoted in Caledonia, vol. i. p. 798.

<sup>5</sup> Robertson's Index, p. 71.

the country.<sup>1</sup> It was a work, in some measure, both of peril and necessity; for savage animals abounded as much in Scotland as in the other uncleared and wooded regions of northern Europe; and the bear, the wolf, the wild boar, and the bison, to the husbandmen and cultivators of those rude ages, must have been enemies of a destructive and formidable nature.<sup>2</sup>

Another striking feature in the aspect of the country during those early ages was formed by the marshes or fens. Where the mountains sunk down into the plain, and the country stretched itself into a level, mossy fens of great extent occupied those fertile and beautiful districts which are now drained and brought under cultivation.<sup>3</sup> Within the inaccessible windings of these morasses, which were intersected by roads known only to the inhabitants, Wallace and Bruce, during the long war of liberty, frequently defended themselves, and defied the heavy-armed English cavalry: and it is said that, from lying out amidst these damp and unhealthy exhalations, Bruce caught the disease of which he died.<sup>4</sup>

The royal castles must have presented an additional and imposing feature in the external appearance of the country at this period. Built chiefly for strength and resistance during a time of war, these fortresses were the great garrisons of the country, and reared their immense walls and formidable towers and buttresses in those situations which nature had herself fortified, and where little was to be done by man but to avail himself of the power already placed in his hand. In

<sup>1</sup> Chamberlain Accounts. *Rotuli Compot. Temp. Cust. Regni*, p. 63.

<sup>2</sup> Dalrymple's *Desultory Reflections on the State of Ancient Scotland*, pp. 32, 33.

<sup>3</sup> *Trivetii Annales*, p. 316.

<sup>4</sup> *Palgrave's Parliamentary Writs, Chronological Abstract*, p. 76. *Walsingham*, p. 78. *Barbour*, pp. 110, 151. *Trivet*, p. 346.

the year 1292, when Edward, after his judgment in favour of Baliol, gave directions to his English captains to deliver the royal castles into the hands of the new king, we find these to have been twenty-three in number. On the borders were the castles of Jedburgh, Roxburgh, and Berwick; those of Dunfries, Kirkcudbright, Wigtown, Ayr, Tarbet,<sup>1</sup> Dunbarton, and Stirling, formed a semicircle of fortresses which commanded the important districts of Annandale, Galloway, Carrick, Kyle, Lanark, and the country round Stirling, containing the passes into the Highlands. Between Stirling, Perth, and the Tay, there was no royal castle, till we reach Dundee, where Brian Fitz-Alan commanded; after which the castles of Forfar, Kincardine, and Aberdeen, protected and kept under the counties of Perth, Angus, Kincardine, and Aberdeen; and travelling still farther north, we find the castles of Cromarty or Crumbarthyn, Dingwall, Inverness, Nairn, Forres, Elgin, and Banff, which, when well garrisoned, were deemed sufficient to maintain the royal authority in those remote and unsettled districts.<sup>2</sup>

Such were the royal castles of Scotland previous to the war of liberty; but it was the policy of Bruce, as we have seen, to raze the fortresses of the kingdom, wherever they fell under his power; whilst on the other hand, Edward, in his various campaigns, found it necessary to follow the same plan which had been so successful in Wales, and either to construct additional fortresses, for the purpose of overawing the country, or to strengthen, by new fortifications, such baronial castles as he imagined best situated for his design. In this manner the architecture of the strong Norman

<sup>1</sup> Chamberlain Accounts, p. 9.

<sup>2</sup> *Rotuli Scotiæ*, vol. i. pp. 11, 12.

castles, which had already been partially introduced by the Scoto-Norman barons, was more effectually taught by their formidable enemy to the Scots, who profited by the lesson, and turned it against himself. It not unfrequently happened that the siege of a baronial castle detained the whole English army for weeks, and even months, before it ; and although feebly garrisoned, the single strength of its walls sometimes resisted and defied the efforts of Edward's strongest machines, and most skilful engineers. To enumerate or to point out the situation of the baronial castles which at this early period formed the residences of the feudal nobility and their vassals, would be almost impossible. They raised their formidable towers in every part of the kingdom,—on its coasts and in its islands, on its peninsulas and in its lakes, upon the banks of its rivers, and on the crests of its mountains ; and many of those inhabited by the higher nobility rivalled, and in their strength and extent sometimes surpassed, the fortresses belonging to the king.<sup>1</sup>

In the year 1309, when the military talents of Bruce had wrested from England nearly the whole of the royal castles, we find Edward the Second writing earnestly to his principal officers in Scotland, directing them to maintain their ground to the last extremity against the enemy ; and it is singular that, with the exception of Edinburgh, Stirling, Dumfries, and Jedburgh, the posts which they held, and which are enumerated in his order, are all of them private baronial castles, whose proprietors had either been compelled by superior force, or induced by selfish considerations

<sup>1</sup> Fordun, in speaking of the death of Edward the First, asserts, that within six years of that event, Bruce had taken and cast down a hundred and thirty-seven castles, fortalices, and towers. Fordun a Goodal, vol. ii. p. 240.

to embrace the English interest. In his letters are mentioned the castle of Kirkintulloch, between Dunbarton and Stirling; Dalswinton in Galloway, a principal seat of the Comyns; Caerlaverock, belonging to the Maxwells; Thrieve castle, also in Galloway; Lochmaben in Annandale, the seat of the Bruces; Butel, the property of the Steward; Dunbar, a castle of great strength and extent, one of the keys of the kingdom, by which the Earls of March commanded so much influence in an age of war and invasion; Dirleton, also of great extent, and possessed by the Norman race of the De Vaux; Selkirk, at that time in the hands of Aymer de Valence earl of Pembroke; and Bothwell, a castle at various times the property of the Olifards, Morays, and Douglasses.<sup>1</sup> Innumerable other castles and smaller strengths, from the seats of the highest earls, whose power was almost kingly, down to the single towers of the retainer or vassal, with their low iron-ribbed door, and loop-holed windows, were scattered over every district in Scotland; and even in the present day, the traveller cannot explore the most unfrequented scenes, and the remotest glens of the country, without meeting some gray relic of other days, reminding him that the chain of feudal despotism had there planted one of its thousand links, and around which there often linger those fine traditions, where fiction has lent her romantic colours to history.

In the vicinity of these strongholds, in which the Scottish barons of the thirteenth and fourteenth centuries held their residence, there was cleared from wood as much ground as was necessary for the support of that numerous train of vassals and retainers, which formed what was termed the "following" of their lord,

<sup>1</sup> *Rotuli Scotiæ*, vol. i. p. 80. Olifard, the same name, I conjecture, as Oliphant.



and who were supported in a style of rude and abundant hospitality. The produce of his fields and forests, his huge herds of swine, his flocks and cattle, his granaries and breweries, his mills and malting-houses, his dove-cots, gardens, orchards, and "*infield and outfield*" wealth, all lent their riches to maintain those formidable bands of warlike knights and vassals, who were ready on every summons to surround the banner of their lord. Around these castles, also, were placed the rude habitations and cottages belonging to the servants and inferior dependants of the baron,—to his armourers, tailors, wrights, masons, falconers, forest-keepers, and many others, who ministered to his necessities, his comforts, or his pleasures. It happened, too, not unfrequently, that, ambitious of the security which the vicinity of a feudal castle ensured, the free farmers or opulent tradesmen of those remote times requested permission to build their habitations and booths near its walls, which, for payment of a small rent, was willingly allowed; and we shall afterwards have occasion to remark, that to this practice we perhaps owe the origin of our towns and royal burghs in Scotland. It appears, also, from the authentic evidence of the Cartularies, that at this period, upon the large feudal estates belonging to the nobles or to the church, were to be found small villages, or collections of hamlets and cottages, termed *Villæ* in the charters of the times, annexed to which was a district of land called a *Territorium*.<sup>1</sup> This was cultivated in various proportions by the higher ranks of the husbandmen, who possessed it, either in part or in whole, as their own property, which they held by lease, and for which they paid a rent,<sup>2</sup> or by the villeyms and cottars, who

<sup>1</sup> MS. Cartulary of Melrose, pp. 21, 22. Cart. of Kelso, pp. 254, 255.

<sup>2</sup> Cartulary of Kelso, p. 257, in 1258. Ibid. pp. 312, 317.

were themselves, in frequent instances, as we shall immediately see, the property of the lord of the soil. Thus, by a similar process, which we find took place in England under the Normans, and which is clearly to be traced in Domesday Book, the greater feudal barons were possessed not only of immense estates, embracing within them field and forest, river, lake, and mountain, but of numerous and flourishing villages,<sup>1</sup> for which they received a regular rent, and of whose wealth and gains they always held a share, because they were frequently the masters of the persons and property of the tradesmen and villeyns, by whom such early communities were inhabited. In these villages the larger divisions, under the names of *carucates*, *bovates*, or *oxgates*, were cultivated by the husbandmen, and the cottars under them; while, for their own maintenance, each of these poor labourers was the master of a cottage, with a small piece of ground, for which he paid a trifling rent to the lord of the soil.<sup>2</sup>

It happened not unfrequently, that the high ecclesiastics, or the convents and religious houses, were the proprietors of villages, from whose population there was not exacted the same strict routine of military service which was due by the vassals of the temporal barons; and the consequences of this exemption were seen in the happier and more improved condition of their husbandmen and villeyns, and in the richer cul-

<sup>1</sup> Henshall's *Specimens and Parts of a History of South Britain*, p. 64. In the small part of this valuable work which has been published, and which it is much to be regretted was discontinued by the author from want of encouragement, a clear and authentic view is given of the state of England under the Normans, founded on an accurate examination of the original record of Domesday Book.

<sup>2</sup> *Cartulary of Kelso*, p. 477. In the same MS. there is a Donation, in 1307, by Nicholas dictus Moyses de Bondington, "*Cotagii cum orto quod Tyock Uxor Andree quondam tenerit de me in villa de Bondington.*"

tivation of their ample territories. A great portion of the district attached to these villages was divided into pasture-land and wood-land, in which a right of pasturage, for a certain number of animals, belonged to each of the villagers or husbandmen in common. It is from the information conveyed in the Cartularies that the condition of these early villages is principally to be discovered.<sup>1</sup>

Thus, for example, in the village of Bolden, in Roxburghshire, which belonged to the monks of Kelso, in the latter part of the reign of Alexander the Third, there were twenty-eight husbandmen, who possessed each a husband-land, with common pasture; for which he paid a rent of half a mark, or six shillings and eight-pence, besides various services which were due to the landlord. There were, in the same village, thirty-six cottagers, each of whom held nearly half an acre of arable land, with a right of common pasture. The united rent paid by the whole cottagers amounted to fifty-five shillings; in addition to which, they were bound to perform certain services in labour. To the village there was attached a mill, which gave a rent of eight marks; and four brew-houses, each of them let for ten shillings, with an obligation to sell their ale to the abbot at the rate of a lagen and a half for a penny.<sup>2</sup> These villages, of course, varied much in extent, in the number of their mansions, and the fertility of their lands; whilst the greater security, resulting from the increasing numbers and the wealth of the inhabitants, became an inducement for many new settlers, from different parts, to join the community, and plant themselves under the protection of the lord of the soil. This emigration, however, of the cottars or villeyns from

<sup>1</sup> Rotulis Reddituum Monasterii de Kalchow. Cart. of Kelso, p. 475.

<sup>2</sup> Cartulary of Kelso, pp. 478, 479. See Illustrations, letter G.

one part of the country, or from one village to another, could not be legally effected, without the express consent of the master to whom they belonged. A fact, of which we shall be convinced, when we come to consider the condition of the great body of the people in those early ages.

To one casting his eye over Scotland, as it existed during the thirteenth and fourteenth centuries, the numerous religious establishments, the cathedrals, convents, monasteries, and episcopal palaces, must have formed another striking feature in the external aspect of the country. Situated always in the richest, and not unfrequently in the most picturesque spots, and built in that imposing style of architecture which is one of the greatest triumphs of the middle ages, these structures reared their holy spires and towers in almost every district through which you travelled; and your approach to them could commonly be traced by the high agricultural improvements which they spread around them. The woods, enclosed and protected, were of loftier growth; the meadows and corn fields richer, and better cultivated; the population inhabiting the church lands more active, thriving, and industrious than in the lands belonging to the crown, or to the feudal nobility.

To give any correct idea of the number or the opulence of the various episcopal and conventual establishments which were to be found in Scotland at this remote era, would require a more lengthened discussion than our present limits will allow. Besides the bishopricks, with their cathedral churches, their episcopal palaces, and the residences of the minor clergy which were attached to them, our early monarchs and higher nobility, in the devotional spirit of the age, encouraged those various orders of regular and secular churchmen

which then existed in Europe. The Canons-regular of St Augustine, who were invited into Scotland by Alexander the First, and highly favoured by David, had not less than twenty-eight monasteries; the Cisterrians or Bernardine monks, who were also warmly patronized by David, possessed thirteen; and the Dominican or Black friars, fifteen monasteries, in various parts of the country. Although these orders were the most frequent, yet numerous other divisions of canons, monks, and friars, obtained an early settlement in Scotland, and erected for themselves, in many places, those noble abbacies, priories, or convents, whose ruins, at the present day, are so full of picturesque beauty, and interesting associations. The Red friars, an order originally instituted by St John of Matha and Felix de Valois, for the redemption of Christian slaves from the infidels, possessed nine monasteries; the Præmonstratensian monks, who boasted that the rule which they followed was delivered to them in a vision by St Augustine, and written in golden letters, were highly favoured by David the First, Alexander the Second, and Fergus lord of Galloway. The Tyronensian and Clunacensian monks, the Templars, the Franciscans, and the Carmelites, had all of them establishments in Scotland; whilst the Augustinian, the Benedictine, and the Cisterrian nuns, were possessed of numerous rich and noble convents; which, along with the hospitals, erected by the wide-spread charity of the Catholic church, for the entertainment of pilgrims and strangers, and the cure and support of the sick and infirm, complete the catalogue of the religious establishments of Scotland during the thirteenth and fourteenth centuries.<sup>1</sup>

<sup>1</sup> Account of the Religious Houses in Scotland. Keith's Catalogue of the Scottish Bishops, p. 235.

Although covered, in many places, with vast and impenetrable woods and marshes, the country around the monasteries and religious houses, adjoining to the castles of the nobles, and to the great towns, royal burghs and villages, appears in the reign of Alexander the Third to have been in a state of considerable cultivation. Even during the wars of the three Edwards, when we take into view the dreadful disadvantages against which it had to struggle, the agriculture of Scotland was respectable.

The Scottish kings possessed royal manors in almost every shire, which were cultivated by their own free tenants and their vileyens; and to which, for the purpose of gathering the rents, and consuming the agricultural produce, they were in the custom of repairing, in their progresses through the kingdom. This fact is established by the evidence of the Cartularies, which contain frequent grants, by David the First, William the Lion, and the two Alexanders, to the convents and religious houses, of various kinds of agricultural produce to be drawn from the royal manors; and the same truth is as conclusively made out by the original Accounts of the Great Chamberlains of Scotland.<sup>1</sup> David, for example, granted, to the monks of Scone, the half of the skins, and the fat of all the beasts which were killed for the king's use, on his lands to the north of the Tay; and the half of the skins and hides of all the beasts slain, upon festival days, at Stirling, and on his manors between the Forth and the Tay.<sup>2</sup> Innumerable charters, by his successors, to the various monasteries and religious houses in the

<sup>1</sup> Of these Accounts, which contain a body of information upon the civil history of Scotland, unrivalled in authenticity, and of high interest, a short notice will be found in the Illustrations at the end of the first volume, letters DD.

<sup>2</sup> Cartulary of Scone, pp. 2, 6, 8.

kingdom, evince the generosity or superstition of our monarchs, and the extent of their royal demesnes. Scarcely less numerous, and upon a scale not greatly inferior to those of the king, were the extensive feudal estates belonging to the religious houses, to dignified clergy, and to the magnates, or higher barons of Scotland; who granted charters of lands to their own military vassals and retainers, or by leases, to other more pacific tenants, upon whom they devolved the agricultural improvement of their domains. Thus, for example, we find, in the Cartulary of Kelso, that the monks of this rich religious house granted to the men of Innerwick, in the year 1190, a thirty-three years' lease of certain woods and lands, for the annual rent of twenty shillings; which was approved of by Alan, the son of Walter the Steward, to whom the men of Innerwick belonged.<sup>1</sup>

The clergy, whose domains, chiefly from the liberal and frequent endowments of David the First, and his successors, were, at this period, amazingly rich and extensive, repaid this profusion, by becoming the great agricultural improvers of the country. From them those leases principally proceeded, which had the most beneficial effect in clearing it from wood, and bringing it under tillage. In 1326, the Abbot of Scone granted a lease, for life, of his lands of Girsmerland to Andrew de Strivelyn. Henry Whitwell received from the Abbot of Kelso a lease, for life, of all the lands belonging to this monastery in the parish of Dumfries, for which the yearly rent was twelve shillings; and numerous other instances might be brought forward. It was in this manner that there was gradually introduced, and encouraged in the country, a body of useful

<sup>1</sup> Cartulary of Kelso, p. 247. Caledonia, vol. i. p. 794.

improvers, who were permitted, from the pacific character of their landlords, to devote their time more exclusively to agricultural improvement than the vassals or tenants of the barons.<sup>1</sup>

The system of agriculture pursued at this early period must have been exceedingly rude, and simple in its details; and although it is difficult to point out the exact mode of cultivation, yet some information with regard to its general character, and the crops then raised in the country, may be found in the scattered notices of contemporary historians, and in the records and muniments of the times. Oats, wheat, barley, peas, and beans, were all raised in tolerable abundance. Of these by far the most prevalent crop was oats. It furnished the bread of the lower classes; and the ale which they drank was brewed from malt made of this grain. In the innumerable mills which are mentioned in the Cartularies, great quantities of oats were ground into meal; and at the various malt-kilns and breweries, which we find attached, throughout the same records, to the hamlets and villages, equally large proportions of oats were reduced into malt and brewed into ale. In the Wardrobe Accounts of Edward the First, for the years 1299 and 1300, large quantities of oat malt, furnished to his different garrisons in Scotland, form some of the principal items of expenditure. In the same interesting and authentic record we find that Edward's cavalry, in their return from Galloway, in September 1300, destroyed, in their march through the fields, eighty acres of oats upon the property of William de Carlisle, at Dornock, in compensation for which the king allowed him two

<sup>1</sup> Cartulary of Scone, p. 32. Cartulary of Kelso, p. 329. Chamberlain Accounts, vol. i. pp. 5, 12, 22. Cartulary of Inchcolm, p. 31.



butts of wine.<sup>1</sup> It appears, in the same series of Accounts, that Edward bought his oats, and oat malt to be brewed for the army, at various rates, extending from twentypence to three shillings per quarter. From the multitudes of brew-houses with which every division of the kingdom appears to have been studded, from the royal manufactories of ale down to those in the towns, burghs, baronies, and villages, it is evident that this beverage must have been consumed in great quantities.

Although oats was the principal grain raised in Scotland, yet wheat was also cultivated to a considerable extent, chiefly by the higher orders: throughout the south and east districts of the country, wheaten bread was principally used at their tables; and the quantities of this grain which the Cartularies show to have been ground in the mills, evince the consumption to have been considerable. When Edward, in the year 1300, invaded Galloway, we find, by the Wardrobe Account of that period, that he purchased large quantities of wheat, which was exported from Kirkcudbright to Whitehaven, and other ports in Cumberland. It was there ground, and the flour sent back to supply the English garrisons in Galloway and Ayr. In the Wardrobe Account of the same monarch, for the year 1299, it is stated that unground peas, for the use of the English garrisons, were furnished at the rate of two shillings and ninepence, and beans for the horses at four shillings and sixpence, the quarter. In addition to these crops, extensive districts of rich natural meadow, with the green sward which clothed the forest glades, furnished grass, which was made into hay, and, with all other agricultural produce,

<sup>1</sup> Liber Cotidianus Garderobæ Edwardi I. p. 126.

paid its tithe to the clergy. The fields, the mountain grazings, and the forests, were amply stocked with cows, sheep, and large herds of swine,<sup>1</sup> which fed on the beech mast. These last formed the staple animal food of the lower classes; for even the poor bondman or cottager seems to have generally possessed, in the territorium of the village where he lived, a right of common pasture for a sow and her pigs.

Another important part of the stocking of the farms and the forests of those times, consisted in the numerous horses which were reared by their baronial proprietors. We learn from the Cartularies, that great care was bestowed upon this interesting branch of rural economy. Many of the nobles had breeding studs upon their estates;<sup>2</sup> and, in the forests, large herds of brood mares, surrounded by their grown-up progeny, and with their young foals at their feet, ran wild, and produced a hardy and excellent stock of little horses, upon which the *hobelers*, or light-armed Scottish cavalry, were mounted, which, in the numerous raids or invasions of England, under Bruce, Randolph, and Douglas, so cruelly ravaged and destroyed the country. Distinguished from these were the domestic horses and mares employed in the purposes of agriculture,<sup>3</sup> in war, or in the chase. Both the wild horses, and those which had been domesticated, were of a small hardy breed, excellently fitted for

<sup>1</sup> Excerpt. ex Rotulo Compot. Temp. Alex. III. pp. 12, 15.

<sup>2</sup> Cartulary of Melrose, p. 105. Cartulary of Kelso, pp. 283, 284.

<sup>3</sup> In the farming operations of ploughing and harrowing, in the leading of hay, the carting of peats, or taking in the corn during the harvest, the wain driven by oxen appears to have been principally employed, while the conveyance of the agricultural produce to any great distance was performed by horse labour. This appears from the minute details of the services due by the tenants of the abbey of Kelso, in the Cartulary of that rich religious house. Cartulary of Kelso, p. 475.

light cavalry, but too diminutive to be employed as the great war-horse of the knight, which had not only to bear its master armed from head to foot in steel, but to carry likewise its own coat of mail. It is on this account that we find the Scottish barons importing a breed of larger horses from abroad.<sup>1</sup> Some idea may be formed of the extent of the stud possessed by the higher barons and the rich ecclesiastical houses, by an inventory which is preserved in the Cartulary of Newbottle. It states that the monks of Melrose possessed in old times three hundred and twenty-five forest mares and horses, fifty-four domestic mares, a hundred and four domestic horses, two hundred and seven stags or young horses, thirty-nine three-year colts, and a hundred and seventy two-year-old colts.

But that branch of rural economy upon which the Scottish proprietors of this period bestowed most attention, was the rearing of large flocks of sheep and herds of cattle.<sup>2</sup> Sheep, indeed, chiefly abounded in the lowlands; and, during the latter part of the reign of David the Second, we have seen the parliament interposing in order to equalize the taxation of the districts where sheep-farming was unknown, and the lowland counties, where the wool-tax fell heavily upon the inhabitants; while, on another occasion, "white sheep" are exempted, probably meaning those sheep which, for the sake of producing a finer quality of wool, had not been smeared with tar.<sup>3</sup> In a short time, however, the northern, as well as the southern

<sup>1</sup> Lord Douglas brings ten "great horses" into Scotland, 1st July, 1352. *Rotuli Scotiæ*, vol. i. p. 752.

<sup>2</sup> *Excerpta ex Rotulo Compotorum*, Temp. Regis Alex. III. p. 11.

<sup>3</sup> "White sheep" is the technical phrase for sheep which are not smeared with tar in the winter time. The smearing injures the wool; and it is not improbable the exemption from tax may have been with a view to the production of wool better fitted to the purposes of the manufacturer. Robertson's Index to the Records, p. 117.

districts, abounded in sheep, which became a principal branch of the wealth of the country. Their flesh was consumed at the barons' table; their wool formed the chief article of export, or was manufactured within the kingdom into the coarser kind of cloth for the farm servants;<sup>1</sup> their skins were tanned and converted into articles for home consumption, or exported to England and Flanders. In like manner, the carcasses of the beeves were consumed by the troops of retainers, or exposed for sale in the market of the burgh; the skins were exported in great quantities, both with and without the hair, or manufactured into shoes, leather jackets, buff coats, caps, saddles, bridles, and other articles of individual comfort or utility. In the more cultivated districts, cows were kept in the proportion of ten to every plough; but, in the wilder parts of the country, the number was infinitely greater.<sup>2</sup> Goats also were to be found in some districts, chiefly in the wilder and more mountainous parts of the country.<sup>3</sup>

From the quantity of cheese which appears to have been manufactured on the royal demesnes throughout Scotland, it is clear that the dairy formed a principal object of attention;<sup>4</sup> and if such was the case upon the lands of the crown, it is equally certain that its proper management and economy was not neglected by the clergy or the barons. In the Cartulary of Kelso, we find that David the First conferred on the monks of that house the tenth of the cheese which he received from Tweeddale: the same prince gave to the monks of Scone the tenth of the *can* of his cheese

<sup>1</sup> Charter of William the Lion to the burgh of Inverness, printed in Wight on Elections, p. 411.

<sup>2</sup> Caledonia, vol. i. p. 798.

<sup>3</sup> Robertson's Parliamentary Records, p. 3.

<sup>4</sup> Excerpta ex Rotulo Compot. Temp. Alexander III. p. 11.

brought in from his manors of Gowrie, Scone, Cupar, and Forgrund; and to the monks of Rendalgross, the tenth of the cheese and corn collected from the district round Perth.<sup>1</sup> From the same valuable class of records, which contain the most interesting materials for the civil history of the country, we learn that, in addition to the more important branches already mentioned, poultry was carefully attended to in the farm establishment; and it is through the monks, the constant friends of national comfort and good cheer, that the fact is transmitted. As early as under Malcolm the Fourth, the monks of Scone, upon the feast of All Saints, received from every plough-land within their demesnes, ten hens, along with other farm produce; and from each house of every hamlet or village on the lands belonging to the abbey of Kelso, the abbot, at Christmas, received a hen, for which he paid a halfpenny.<sup>2</sup>

It will be seen, from these facts, that the state of Scotland, with regard to these necessities, and even comforts of life, which depend upon agricultural improvement, was respectable. Wheaten loaves, beef, mutton, and bacon, besides venison and game of all descriptions, in rude abundance, were to be found at the table of the greater and lesser barons; while the lower orders, who could look to a certain supply of pork, and eggs, cheese, butter, ale, and oaten cakes, were undoubtedly, so far as respects these comforts, in a prosperous condition. Besides this, both for rich and poor, there was an inexhaustible supply of fish, which abounded in the seas that washed their coasts, and in the rivers and lakes of the country. Herring

<sup>1</sup> Cartulary of Kelso, p. 1.; Cartulary of Scone, p. 16; Cartulary of May, p. 10.

<sup>2</sup> Cartulary of Scone, p. 16; Cartulary of Kelso.

and salmon, cod and ling, haddocks, whiting, oysters, trout, eels, and almost every other species of fresh water fish, were caught in great quantities, and formed an article of constant home consumption.<sup>1</sup> The pages of the various Cartularies abound with proofs of the assiduity and skill with which the fisheries were pursued, and of the value attached to them by their proprietors. In the Wardrobe Accounts of Edward the First, large quantities of herring were purchased for the provisioning of his Scottish garrisons; and during his campaigns of 1300 in that country, he carried with him his nets and fishers, for the supply of the royal table.<sup>2</sup> Here, as in all other branches of national wealth, the monks were the great improvers, and, by their skill and enterprise, taught the great barons, and the smaller landed proprietors, with their vassals and bondsmen, how much wealth and comfort might be extracted out of the seas, the lakes, and the rivers of their country. *Stell* fishings, a word which appears to mean a stationary establishment for the taking of fish, were frequent on the coast of Ayrshire, on the shores of the Solway, and generally at the confluence of the larger rivers with the sea. Besides this, we find in the Cartularies innumerable grants of *retes*, or the right of using a single net within certain limits, upon the river or lake where it was established; and of *yairs*, a mode of fishing by the construction of a wattled machine within the stream of the river, which was inserted between two walls, and of very ancient use in Scotland. In the Cartulary of Paisley, the Earl of Lennox, some time before 1224, gave to the monks of that religious house a yair fishing in the

<sup>1</sup> Robertson's Parliamentary Records, p. 3.

<sup>2</sup> Wardrobe Accounts of Edward I. pp. 121, 122, 143, 151.

river Leven near Dunbarton.<sup>1</sup> A contemporary manuscript in the British Museum informs us, that in the reign of David the First, the Firth of Forth was frequently covered with boats, manned by Scottish, English, and Belgic fishermen, who were attracted by the great abundance of fish in the vicinity of the Isle of May;<sup>2</sup> and we know from the Accounts of the Chamberlain of Scotland, that for the use of the king's household, not only large quantities of every kind of fish were purchased by the clerk of the kitchen, but that David the Second, like Edward the First, kept his own fishermen for supplying the royal table.

---

## SECTION II.

### DISTINCT RACES IN SCOTLAND.

We come now to the consideration of an important subject—to make a few remarks upon the different races of men which appear originally to have settled in Scotland, and the division of orders and ranks in society into which they came to be separated during this remote era of our history. At the death of Malcolm Canmore, in 1093, four distinct races were discernible in Scotland. There was first the Gaelic or Celtic people, speaking the Erse language, and inhabit-

<sup>1</sup> Cartulary of Paisley, pp. 359, 360.

<sup>2</sup> MS. Bibl. Cotton. Tit. A. XIX. f. 78, C. The MS. is a Life of St Kentigern, written about the end of the reign of David the First. "Ab illo quippe tempore in hunc diem tanta piscium fertilitas ibi abundat, ut de omni littore maris Anglici, Scotici, et a Belgicæ Galliæ littoribus veniunt gratia piscandi piscatores plurimi, quos omnes Insula May in suis rite suscipit portibus." Macpherson's Notes on Winton, vol. ii. p. 479.

ing Argyle, Galloway, Inverness, and nearly the whole of Scotland to the north of the Firth of Forth. Beyond them, the hardy and warlike Norwegians had seized upon the Western Isles, and colonized the extreme districts of Ross and Caithness. In the richer lowland counties were the Saxons, a Gothic race, from whom Malcolm Canmore had chosen his queen, and whom he highly favoured and encouraged; while the convulsion in the sister country at the great era of the conquest had driven many opulent Normans to desert the service of the conqueror, and to carry their arms and their allegiance to a foreign prince by whom they were warmly welcomed. During the long interval of a century and a half, which elapsed between the death of Malcolm Canmore and the accession of Alexander the Third, these materials became insensibly blended and mixed into each other; but the process was extremely gradual, and during the whole period we can discern distinct marks of the different races.<sup>1</sup> At the death of Malcolm Canmore, an event took place which exhibited in strong colours the animosity of the Gaelic people to the Saxons and Normans. Donald Bane, who had taken refuge in the Hebrides upon the usurpation of Macbeth, having emerged from his northern asylum, seized the throne; and his first exertion of power was to expel from the country all the foreigners who had intruded into his dominions.<sup>2</sup> The frequent residence of David the First, previous to his accession to the Scottish throne, at the court of England, and his possession of the extensive district of Cumberland, which was exclusively occupied by a Saxon and Norman population, must have contributed to soften the

<sup>1</sup> Fordun a Goodal, book viii. chapters ii. iv. and vi.; book ix. chapters xxxiv. xlvii. xlviii. and lxiii.

<sup>2</sup> Chron. Johan. Brompton, p. 990. Chron. Melross, p. 174.



lines of distinction between the different classes of his subjects when he became king. Yet his anxious efforts could not altogether extinguish their jealous animosities, or prevent them from breaking out on most occasions when they were compelled to act together.<sup>1</sup> For example, at the battle of the Standard, Malise earl of Strathern, a Gaelic chief, remonstrated with the Scottish king against his design of placing his squadrons of Norman soldiers, who were clothed from head to foot in steel, in the front of the battle. "Why," said he to the king, "will you commit yourself so confidently to these Normans? I wear no armour, yet none of them this day will go before me in the battle." Upon which David, to prevent a rupture between the two divisions of his army, found himself compelled to give the post of honour to the Galwegians, whom the Norman historians represent as a nation of absolute savages.<sup>2</sup> An attention to the arrangement of the Scottish army in this memorable battle, and to the circumstances under which it was fought, will throw some light upon the various tribes which at this time composed the body of the nation. After the Galwegians, who insisted on forming the first line, and were led by their chiefs Ulric and Donald, came the second body, composed of the Norman men-at-arms, the knights and the archers, commanded by Prince Henry; whilst the soldiers of Cumberland and Teviotdale fought in the same line, and beneath the same banner. In the third division were drawn up the men of Lothian, along with the islanders and ketherans; and the king himself commanded a reserve, in which he had placed the Scots

<sup>1</sup> Rich. Hagulstad. pp. 318, 323. Johan. Hagulstad. p. 262.

<sup>2</sup> Ethelredus de Bello Standardi, pp. 341, 342. Ricardus Hagulstad. Hist. p. 318.

and the natives of Moray, with a select body of Saxon and Norman knights, which he kept near him as a body guard.<sup>1</sup> There were at this time in the English army two Norman barons, Robert de Bruce and Bernard Baliol, who possessed estates in Galloway, which they held of David as their liege lord. Before the battle, Bruce, who had been an old and dear friend of the Scottish king during his residence in England, requested an interview, and anxiously advised him to desist from further hostilities, and to consent to a peace. In the arguments which he employed, as given by a contemporary historian,<sup>2</sup> the enmity between the Scottish and the Norman race is strongly insisted upon. He paints the Scots as rejoicing at the opportunity of avenging themselves upon a nation which was odious to them, and accuses the king of extreme folly in making war on that people by whom he had supported his power against the attacks of his Scottish subjects. "Think not," says he, "that one part of these savage tribes will be a sufficient defence against the rest; that the Scots will be barrier enough against the Scots: and raise not your banner for the destruction of those whose faithfulness in your defence has made them to be hated by the Scottish race."

The two races in David's army, thus strikingly described, seem to have been the Galwegians, the islesmen, and the ketherans, on one hand; the Normans and Saxons, the men of Lothian, of Teviotdale, and of Cumberland, on the other. Nor is it difficult to discover the cause of their animosity. The fact just mentioned, that Bruce and Baliol, two Norman barons, possessed lands in Galloway, will guide us to it. It was the policy of this monarch to encourage the influx

<sup>1</sup> Ethelredus de Bello Standardi, p. 342.

<sup>2</sup> Ibid. p. 343.

of Normans into his dominions, by conferring upon them estates in the districts which his Gaelic subjects considered exclusively their own; and out of this policy arose a mutual jealousy and hatred, which it required centuries entirely to eradicate. The arms, the appearance, and the manners of these Galwegians, are marked by the same author as essentially different from the rest of the Scottish army. When compared with the Norman men-at-arms, they were little else than naked savages. Their swords, and a buckler of cow hide, were their only weapons of defence against the steel casques, the chained mail shirts, the cuirass, vantbrace, greaves, and iron gloves of the English army; but their first attack, in spite of these disadvantages, was so fierce as to be frequently successful. On the other hand, the Saxons and the men of Teviotdale, Cumberland, and Lothian, appear to have been a civilized race, in comparison with the Galwegians, the islesmen, and the ketherans.<sup>1</sup>

The distinction, indeed, between the Saxon and the Gaelic people was as strongly marked as that between the Normans and the Galwegians. Malcolm's queen was a Saxon princess, and the sister of Edgar Atheling, the heir of the Saxon line in England. She spoke only her own language; and when she communicated with the Gaelic chiefs or clergy, employed as her interpreter the king her husband, who was acquainted both with his own language and that of the English people.<sup>2</sup>

<sup>1</sup> Ethelredus de Bello Standardi, p. 345. In Thierry's "Histoire de la Conquête de l'Angleterre par les Normans," a work of talent, the author falls into an error (vol. iii. p. 24) in describing the Scottish army as having for its ensign or standard a simple lance. Ælred expressly tells us that they had "Regale vexillum, ad similitudinem Draconis figuratum." De Bello Standardi, p. 346.

<sup>2</sup> Turgot, Vita Margarete Regine. Pinkerton's Vitæ Sanctorum, No. 5.

At the coronation of Alexander the Third, we have seen that the Gaelic portion of his subjects claimed a part in the ceremony, by the appearance of the Highland bard or sennachy, who repeated the genealogy of the king;<sup>1</sup> and, during the long wars of the three Edwards, the animosity of the same people to the new race of the Saxons and the Normans, is manifested by the constant rebellions of the Galwegians and northern Scots, and the apparent facility with which the English monarchs, on all occasions, separated the lords of the isles and the northern chiefs from the common cause of liberty. Bruce's expedition against the Western Isles in 1315, which was followed by a temporary reduction of the chiefs, evinces the continued feelings of hostility; and almost the only occasion on which David the Second evinced a spirit worthy of his father, was in the suppression of a serious rebellion of the northern provinces of his dominions.<sup>2</sup> As to the traces of the Norwegian or Scandinavian race in the body of the Scottish people, they were, although perceptible, partial and evanescent. Their settlements upon the mainland in Caithness and Ross were destroyed, and the Western Isles wrested from them by Alexander; so that, were it not for the impression which they have left in the Scandinavian names and superstitions which are prevalent in those remote regions, and the instruction communicated to the islesmen in the art of navigation, we should not be able to discover that the children of Odin had ever penetrated into our country.

In the period of a hundred and twenty years, between the accession of Alexander the Third and the death of David the Second, the Norman and Saxon

<sup>1</sup> Fordun a Goodal, vol. ii. p. 82.

<sup>2</sup> History, *supra*, vol. ii. p. 96.

population became so intimately blended together, as to appear one and the same people; and their superior power and civilisation had gradually gained, from their fierce competitors, the Gaels, the greater and the fairer portion of Scotland. Even in those northern provinces, which had long exclusively belonged to them, barons of Norman and Saxon extraction were settled in possession of immense estates; and the constitution of the government, which, there is little doubt, had been, under Malcolm Canmore, essentially Celtic, was now as decidedly feudal, including certain orders and ranks in society which were clearly and strongly marked.

The king, under the feudal form of government, appears to have been superior to the highest nobility, in three great characters. He was the leader of the army in war, and possessed of the supreme military command;<sup>1</sup> he was the great judge or administrator of justice to his people, either in person or by deputy; and the fountain of honour, from whose will and authority all distinction and pre-eminence were considered as primarily derived. It would be a great mistake, however, to suppose that his power was any thing approaching to despotic; for it was controlled by that of the higher nobles, whose estates and numerous vassals enabled them almost singly to compete with the sovereign. At the same time, there is decided proof that ample provision was made for the due maintenance of the royal dignity, both in the person of the king himself and his eldest son, who, at a very early period, we find was considered as entitled to the crown by hereditary right.<sup>2</sup>

Edgar, in 1106, being then on his deathbed, bestowed

<sup>1</sup> Simeon Dunelm. pp. 200, 210.

<sup>2</sup> Ibid. p. 223.

upon his younger brother David, afterwards David the First, a large portion of his dominions, which included the ancient kingdom of Strathclyde, and nearly the whole of the country to the south of the firths, with the exception of the earldom of Dunbar;<sup>1</sup> a proof that the personal estate of the Scottish king was at that time great. Many other incidental notices, which are scattered in the pages of our early historians, may be brought to corroborate the same fact.

In the year 1152, the prospects of the kingdom were clouded by the death of Prince Henry, the only son of David the First; upon which that monarch, anxious for the stability of the throne in his own family, commanded his grandson Malcolm, the eldest son of Henry, to be proclaimed heir to the crown; whilst on the second son, William, afterwards William the Lion, he bestowed his territories in Northumberland as the appanage of the heir-apparent.<sup>2</sup> We know also that David earl of Huntingdon, brother of William the Lion, held at the time of his death, which happened in the year 1219, the earldoms of Garioch and Lennox, the lordship of Strathbogie, the town of Dundee, with the lands of Innerbervie, Lindores, Longforgrund, and Inchmartin, in consequence of a grant from the king his brother.<sup>3</sup>

<sup>1</sup> Ethelredus de Bello Standardi, p. 344. Macpherson's MS. Notes on Hailes' Annals, vol. i. p. 48. Hailes appears to be in an error, when he imagines that the "portio regni," spoken of by Ethelred, was the part of Cumberland possessed by the Scottish kings, as it was after this that David acquired Cumberland from King Stephen. David, before he was king, erected Glasgow into a bishoprick, from which arises a strong presumption that it lay within his principality; and we find, that on his newly erected abbey of Selkirk, afterwards Kelso, he bestowed the tithes of his *can* of cheeses from Galloway, from which it is evident that he was the feudal superior of that district. Dalrymple's Collect. p. 404.

<sup>2</sup> Fordun a Goodal, vol. i. p. 296. Johan. Hagulstad. p. 280. Gulielm. Neubrigen. p. 76. <sup>3</sup> Fordun a Goodal, vol. ii. pp. 33, 42.

In addition to these facts, which prove the power and personal estate of the king under the feudal government in Scotland, the riches of the royal revenue are evinced by various pecuniary transactions of William the Lion. It is well known that this monarch paid to Richard the First the sum of ten thousand marks, for resigning the homage extorted by Henry the Second.<sup>1</sup> Upon another occasion, he gave Richard two thousand marks to make up the heavy ransom which was exacted from the English monarch by the emperor.<sup>2</sup> Upon John king of England he bestowed the marriage of two of his daughters, with fifteen thousand marks;<sup>3</sup> and, if we may believe Hoveden, the same king offered fifteen thousand marks for Northumberland.<sup>4</sup> Allowing ten pounds of modern money for every mark of ancient, we find from these insulated instances of the sums paid by this monarch, that he disbursed, out of the royal revenue, two hundred and seventy thousand pounds; and was ready, in addition to this, to have paid a hundred and fifty thousand for Northumberland.

Upon the marriage of Alexander the Second with the daughter of Lord Ingelram de Couci, the portion of the youthful bride amounted to seven thousand marks, which was given her as a third of the royal revenue; so that in 1239, the date of this marriage, the annual revenue of the King of Scotland, proceeding from the crown lands and other sources, amounted to twenty-one thousand marks,<sup>5</sup> somewhat more than two hundred thousand pounds. The same monarch, notwithstanding the drain of the royal treasury in his father's time, gave ten thousand marks, besides

<sup>1</sup> Fordun & Hearne, p. 724.    <sup>2</sup> Chron. Melross, & Stevenson, p. 100.

<sup>3</sup> Fædera, vol. i. p. 155.

<sup>4</sup> Hoveden, fol. 420.

<sup>5</sup> Math. Paris, p. 411. Macpherson's Notes on Winton, vol. ii. p. 481.

lands, as a marriage portion with his second sister ; and, on one memorable occasion, when the Scottish sovereign paid a Christmas visit to Henry the Third at York, in the mutual interchange of gifts between the two kings, Alexander, for the purpose of fitting out his royal host for the continent, made him a present of two thousand marks, or twenty thousand pounds of our present money, taking from him, at the same time, an acknowledgment, that the gift was never to be drawn into a precedent, but proceeded solely from his liberality.<sup>1</sup>

Under Alexander the Third, the riches of the royal revenue appear to have kept pace with the general prosperity of the kingdom. We have seen that monarch obtain the kingdom of Man and the Western Isles by purchase from the King of Norway, paying down for them the sum of four thousand marks, with an annual payment of a hundred marks for ever ; and, not long after this transaction, the same monarch, at the marriage of his daughter to Eric king of Norway, assigned as her dower the sum of seven thousand marks, in addition to lands worth seven hundred marks a-year.<sup>2</sup> To give an exact account of the various sources of the royal revenue in those early times, would require a careful and lengthened investigation. The rents and produce of the royal lands and manors throughout the country ; the dues payable under the name of *can* on the products of agriculture, hunting, and fishing ; the customs on the exports of wool, wool-fels, and hides ; on articles of domestic manufacture, on foreign trade and shipping ; the fees and fines which

<sup>1</sup> Chron. de. Dunstaple, MS. Bib. Cotton. quoted in Macpherson's Notes to Winton, vol. ii. p. 480. Rotuli Pat. 14 Hen. III. m. 5. and 15. m. 7.

<sup>2</sup> Fordun a Hearne, p. 1358. Fœdera, vol. ii. p. 1079.



arose at this period in all countries where the feudal system was established, from the administration of justice upon the wardship and marriage of heirs, and in the escheats of estates to the crown ; the temporary aids which the tenants and vassals of every feudal sovereign were bound to pay on great occasions, such as making the king's son a knight, the marriage of his daughters, his own coronation or marriage, or his ransom from captivity : these, amongst others, formed some of the principal sources of the revenue of the crown.<sup>1</sup>

If we make allowance for the rudeness of the period, the personal state kept up by the Scottish sovereign was little inferior to that of his brother monarch of England. The various officers of the royal household were the same ; and when encircled by these dignitaries, and surrounded by his prelates, barons, and vassals, the Scottish court, previous to the long war of liberty, and the disastrous reign of David the Second, was rich in feudal pomp. This is proved by what has already been observed as to the condition of the royal revenue, when compared with the inferior command of money which we find at the same era in England ;<sup>2</sup> and some interesting and striking circumstances, which are incidentally mentioned by our ancient historians, confirm this opinion. As early as the age of Malcolm Canmore, an unusual splendour was introduced into the Scottish court by his Saxon queen. This princess, as we learn from her life by Turgot her confessor, brought in the use of rich and precious foreign stuffs, of which she encouraged the

<sup>1</sup> Chalmers's *Caledonia*, vol. i. p. 747. Chamberlain Accounts, *passim*.

<sup>2</sup> Gulielmus Neubrig. p. 98. Macpherson's *Notes on Winton*, vol. ii. p. 481.

importation from distant countries. In her own dress she was unusually magnificent; whilst she increased the parade attendant on the public appearance of the sovereign, by augmenting the number of his personal officers, and employing vessels of gold and silver in the service of his table.<sup>1</sup> Under the reign of Alexander the First, the intercourse of Scotland with the East, and the splendid appearance of the sovereign, are shown by a singular ceremony which took place in the High Church at St Andrews. This monarch, anxious to show his devotion to the blessed apostle of that name, not only endowed the religious house with numerous lands, and conferred upon it various immunities, but, as an additional evidence of his piety, he commanded his favourite Arabian horse to be led up to the high altar, whose saddle and bridle were splendidly ornamented, and his housings of a rich cloth of velvet. A squire at the same time brought the king's body armour, which was of Turkish manufacture, and studded with jewels, with his spear and his shield of silver; and these, along with the horse and his furniture, the king, in the presence of his prelates and barons, solemnly devoted and presented to the church. The housings and arms were shown in the days of the historian who has recorded the event.<sup>2</sup>

On another occasion, the riches of the Scottish court, and we must add, the foolish vanity of the Scottish monarch and his nobles, were evinced in a remarkable manner. Alexander the Third, and a party of a hundred knights, were present at the coronation of Edward the First; and in the midst of the festival, when the king sat at table, and the wells and foun-

<sup>1</sup> Turgot, *Vita Sanct. Marg.* apud Pinkerton, *Vitæ Sanctorum*.

<sup>2</sup> Extract from the Register of the Priory of St Andrews, in Pinkerton's *Dissertation*, Appendix, vol. i. p. 464. Winton, vol. i. p. 236.

kins were running the choicest wines, he and his attendants dismounted, and turned their horses, with their embroidered housings, loose amongst the populace, to become the property of the first person who caught them,—a piece of magnificent extravagance, which was imitated by Prince Edmund, the king's brother, and others of the English nobles.<sup>1</sup>

From these facts some idea may be formed of the wealth of the royal court of Scotland. Like the other contemporary feudal monarchs of Europe, the sovereign was surrounded by certain great ministers of state, under the names of the justiciar, the chancellor, the constable, the marshal, the seneschal, the chamberlain, and the hostiarius or doorward. These offices were held by the richest and most powerful nobles, whose wealth enabled them to keep up a train of vassals, which almost rivalled the circle round the sovereign; and who, in their own court and castle, mimicked the royal pomp, and were surrounded by their own cupbearers, constables, seneschals, and chamberlains.<sup>2</sup> Next to the king, therefore, such great officers held the highest rank in the nation; and no correct picture of the feudal government of Scotland, during this early period, can be given, without briefly considering the respective duties which devolved upon them.

In the history of our legal administration, during that long period which occupies the interval between the accession of the First Alexander and the First James, the office of great justiciar holds a conspicuous place; although, from the few authentic records of those times, it is difficult to speak with precision as to its exact province.

<sup>1</sup> Knighton, 2461.

<sup>2</sup> Robertson's Index, p. 82.

It has already been remarked, that, in this early age, the king was the fountain of justice, and the supreme judge of his people. We are indebted to a contemporary historian for a fine picture of David the First in this great character. "It was his custom," says Ethelred, "to sit, on certain days, at the gate of his palace, and to listen in person to the complaints of the poorest suitors who chose to bring their cause before him. In this employment he spared no labour to satisfy those who appealed to him of the justice of his decision; encouraging them to enter into argument, whilst he kindly replied, and endeavoured to convince them of the justice of his reasons.—Yet," adds the historian, with great simplicity, "they often showed an unwillingness to acquiesce in his mode of argument."<sup>1</sup>

The progresses which were annually made by the king, for the purpose of redressing grievances, and inquiring into the conduct of his officers throughout the realm, have been already noticed under the reign of Alexander the Third; but the general administration of justice at an early period, seems to have been intrusted to two great judges; the one embracing within his jurisdiction the northern, and the other the southern part of the kingdom. Under these supreme officers, a variety of inferior judges appear to have enjoyed a delegated and subordinate jurisdiction, who borrowed their designations from the district in which they officiated, and were denominated the Judge of Gowry, the Judge of Buchan, the Judge of Strathern, the Judge of Perth, but of whose exact authority and jurisdiction no authentic record remains.<sup>2</sup> The exis-

<sup>1</sup> Fordun & Hearne, p. 940.

<sup>2</sup> Chalmers's *Caledonia*, vol. i. p. 703, note D. Crawford's *Officers of State*, p. 431. Robertson's *Index to the Charters*, Postscript, p. 53.

tence, both of the supreme and of the inferior judges, can be traced in authentic muniments, preserved chiefly in the Cartularies, throughout the reigns of Alexander the First, David the First, and Malcolm the Fourth, during a period of nearly sixty years, from 1106 to 1165. William the Lion, who assumed the crown immediately after Malcolm IV., appears to have changed or new-modelled these offices, by the creation of two great judges named justiciars; the one the Justiciarius Laudoniæ, whose authority extended over the whole of the country south of the two firths; and the other the Justiciarius Scotiæ, embracing within his jurisdiction the whole of Scotland beyond the Forth. The series of justiciars of Scotland from the reign of this prince, during a period of nearly a century, has been traced through documents of unquestionable authenticity;<sup>1</sup> but that of the Justiciarius of Lothian cannot be so accurately ascertained;<sup>2</sup> while there is a third officer of the same high dignity, the Justiciarius ex parte boreali aquæ de Forth, whom we find incidentally mentioned at the same period, upon whose authority and jurisdiction the utmost research of our antiquaries has not succeeded in throwing any distinct light.<sup>3</sup> There can be little doubt, I think, that the judicial authority of these officers was pre-eminent, and that it embraced a civil and criminal jurisdiction, which was next to that of the sovereign. At the period of the temporary

<sup>1</sup> Dalryel's *Desultory Reflections on the Ancient State of Scotland*, p. 43. See *Chamberlain Accounts, Excerpta ex Rotulo Compotorum Tempore Regis Alex. III.* vol. i. p. 8.

<sup>2</sup> The Justiciarius Laudoniæ appears in the year 1263, under Alexander the Third. *Chamberlain Accounts, Excerpta ex Rotulo Compot. Temp. Alexandri III.* p. 15.

<sup>3</sup> In the *Excerpta ex Rotulo Compot. Temp. Custodum Regni*, p. 58, there appears "William St Clair, Justiciarius Galwythie."

subjugation of Scotland by Edward the First, this monarch, in his new-modelling of the machine of government, introduced a change by appointing two justices in Lothian, two others in the country lying between the Forth and the Grampian range, called the Mounth, and, lastly, by separating the great northern district, extending from the Grampians to Caithness, into two divisions, over which he placed two supreme justiciars.<sup>1</sup>

Scotland, however, soon recovered her independence; and it seems probable that the ancient institution of a single Justiciar of Lothian was restored, along with her other native dignities, by Robert Bruce. It is certain, at least, that the existence of a single judge under that title can be traced through authentic documents, down to the period of James the Fifth. The latter institution of Edward, regarding the four justiciaries of Scotland, who presided over the regions to the north of the Forth, as it was sanctioned by ancient usage, was preserved by him who was the restorer of ancient right.<sup>2</sup> It would thus appear that, during the reign of Robert Bruce, the civil and criminal jurisdiction of the country was, with the exceptions to be immediately noticed, divided between five different justiciars; and it is probable, although it cannot be stated with historical certainty, that these supreme judges acted by deputies, who officiated in their absence, or presided in minor cases; and that they continued to be the supreme judges in Scotland down to the time of James the Fifth.

The office of great justice or justiciar was undoubt-

<sup>1</sup> Ryley's *Placita*, p. 504.

<sup>2</sup> *Cartulary of Lindores*, p. 10. *MS. Monast. Scotiæ*, p. 26, quoted in *Caledonia*, p. 707. *Robertson's Index*, pp. 67, 74.

edly of Norman origin;<sup>1</sup> and, reasoning from the analogy between the office in England and in Scotland, it may be conjectured that the principal duties which it embraced, at this period, regarded those suits which affected the revenue or emolument of the king.

The office of chancellor, next in dignity to that of the justiciar, is certainly as ancient as the reign of Alexander the First; but the precise nature of the authority committed to this great officer, at this remote era of our history, cannot be easily ascertained; and where authentic records do not demonstrate its limits, speculation is idle and unsatisfactory. It existed at a very early period in France, under the reign of Charlemagne; it is found in England in the Saxon times; but it was not till a much later period in Scotland, when the traces of a Celtic government became faint and almost imperceptible, and the Gothic race of the Saxons and the Scoto-Normans drove back the Celtic people into the remoter regions of the country, that Herbert the chancellor appears amongst the officers of the crown.<sup>2</sup> From this period down to the coronation of Bruce, the industry of Chalmers has given a series of these great officers; and without entering into any antiquarian or etymological discussion, we have an authentic muniment in the contract of marriage between the son of Edward the First and the Maiden of Norway, by which it appears that the custody of the king's seal, the examination of all writs which received the royal signature, and the cancelling or refusing the royal sanction to such deeds as appeared irregular, were then the chief duties of this officer. In addition to this, the chancellor was the most intimate

<sup>1</sup> Spelman's Glossarium, p. 399. Chamberlain Accounts, *Excerpta ex Rotul. Compot. Tempore Alex. III.* pp. 29, 42.

<sup>2</sup> Crawford's Officers of State, p. 4.

counsellor of the king: he was always lodged near the royal person; he attended the sovereign wherever he went, both in peace and war; and was generally witness to his charters, letters, and proclamations.<sup>1</sup> This great office continued, as is well known, down to the period of the union of the kingdoms; an existence, if we compute from its appearance under Alexander the First, of nearly six centuries.

It has been already observed, that the supremacy of the civil and criminal jurisdiction of the great justiciars was limited by some exceptions; and the first of these is to be found in the existence of the ancient office of sheriff, the earliest appearance of which is to be found in the beginning of the twelfth century, under the reign of Alexander the First.<sup>2</sup> This, however, is the very dawn of the institution; and the division of Scotland into regular and certain sheriffdoms must be referred to a much later era. It seems to be a sound opinion of the author of *Caledonia*, that "sheriffdoms were gradually laid out, as the Scoto-Saxon people gained upon the Gaelic inhabitants, and as the modern law, introduced by the Saxons, prevailed over the ruder institutions of our Celtic forefathers."<sup>3</sup> Previous to the conclusion of that division of our national history, which this author has termed the Scoto-Saxon period, extending from 1097 to 1306, the whole of Scotland, with the exception of Argyle, Galloway, and the western coast, had been progressively divided into sheriffdoms.

Many of these offices, the appointment to which was originally in the crown, had, at this early period,

<sup>1</sup> Rymer's *Fœdera*, vol. ii. p. 483. Balfour's *Practicks*, p. 15.

<sup>2</sup> Dalrymple's *Collections*, p. 405. *Charta Fundacionis Abbacie apud Schelechyrch, nunc Selkirk*.

<sup>3</sup> *Caledonia*, p. 715.



become hereditary in certain families; and, in imitation of the regal state, every greater baron appears to have appointed his sheriff,<sup>1</sup> in the same manner as we find many of these petty feudal and ecclesiastical princes, surrounded by their chamberlains, chancellors, marshals, and seneschals. It is certain, from the evidence of authentic records, that the term *schire* was anciently given to districts of much smaller extent than the sheriffships of the present day. In the foundation charter of William the Lion to the abbey of Aberbrothoc, we find the shires of Aberbrothoc, of Denechyn, of Kingoldrum, and of Athyn; and in the Cartulary of the abbey of Dunfermline, Dumfermeline-schire, Dolorshire, Newburnshire, Musselburghshire, with the shires of Gelland and Gaitmilk. Over these minute divisions we do not discover any presiding judge enjoying the title of sheriff. Previous, however, to the memorable year 1296, these smaller divisions had disappeared; and the different enactments of Edward the First, preserved in the volumes of Prynn and Rymer, present us with an exact enumeration of thirty-four sheriffdoms, over most of which a separate sheriff presided.<sup>2</sup> The jurisdiction of this judge, both in civil and in criminal cases, appears to have been extensive, and within his own district nearly as unlimited as that of the great justiciars throughout the kingdom.

Under that savage state of feudal liberty which lasted for many centuries in Scotland, all the higher nobles, both civil and ecclesiastical, enjoyed the power of holding their own court, and deciding causes where the parties were their vassals. The origin of this is

<sup>1</sup> Cartulary of Glasgow, 103-5, quoted in *Caledonia*, p. 716. Cartulary of Newbottle, p. 89.

<sup>2</sup> Robertson's Index to the Charters. Notes to the Introduction, p. xl.

curious. At a very early period, probably about the middle of the twelfth century, in the reign of Malcolm the Fourth, the land of Scotland began to be partially divided into royalty and regality. Those parts which were distinguished by the term royalty, were subjected to the jurisdiction of the king and his judges; the districts, on the other hand, which were comprehended under the name of regalities, acknowledged the jurisdiction of those ecclesiastics or nobles who had received a grant of lands from the crown, with the rights of regality annexed to it.

The clergy appear to have been the first who, in the charters of lands which they often procured from the crown, prevailed upon the sovereign to convey to them the right of holding their own courts, and to grant them an immunity from the jurisdiction of all superior judges. As early as the reign of Alexander the First, a royal charter conferred upon the monks of the abbey of Scone the right of holding their own court in the fullest manner, and of giving judgment either by combat, by iron, or by water, together with all privileges pertaining to their court; including the right, in all persons resident within their territory, of refusing to answer except in their own proper court.<sup>1</sup> This right of exclusive jurisdiction was confirmed by four successive monarchs. The same grants were enjoyed, as we know from authentic documents, by the Bishop of St Andrews, and the Abbots of Holyrood, Dunfermline, Kelso, and Aberbrothoc; and we may presume, on strong grounds, by every religious house in the kingdom. These powers of jurisdiction excluded the authority or interference of every other judge, of which we have decided proof in the Cartulary of Aberbrothoc.<sup>2</sup>

<sup>1</sup> Cartulary of Scone, p. 16.

<sup>2</sup> Cartulary of Aberbrothoc, p. 19.

It appears, that in the year 1299, the abbot of that house repledged from the court of the king's justiciar, which was held at Aberdeen, one of his own men, upon pleading the privilege of the regality of Aberbrothoc; and in imitation of the clergy, the higher barons soon procured from the royal fear or munificence, the same judicial rights and exemptions, which they in their turn conveyed to their vassals.

A superior baron in those ancient times was thus in every respect a king in miniature. Surrounded by the officers of his little feudal court, he possessed the privilege of dispensing justice, or what he chose to term justice, amongst his numerous vassals; he was the supreme criminal judge within his far-extended territories, and enjoyed the power of life and death, of imprisonment within his own dungeon, and of reclaiming from the court, even of the high justiciar, any subject or vassal who lived upon his lands. Can we wonder that, in the course of years, men possessed of such high and independent privileges became too powerful for the crown itself? It was in consequence of this that Bruce, in the disposition of many immense estates, which were forfeited for their determined opposition to his claim to the crown, bestowed them in smaller divisions upon new proprietors, who rose upon the ruins of these ancient houses.<sup>1</sup> The frequent grants of these estates by Bruce diminished the strength of the ancient aristocracy; but it is evident, at the same time, that, as the new charters frequently conveyed along with the lands the rights of holding their own court, the power which had controlled the crown during the struggle of this great prince for his kingdom, was rather divided than diminished; so that the new barons, under the

<sup>1</sup> Robertson's Index. Charters of Robert the First.

weak reign and long captivity of his successor, became as independent and tyrannical as before. When we come to consider the origin of the royal burghs, and the privileges conferred upon them by the sovereign, we shall discover a different and inferior judicial power, which extended to the determination of all causes arising within the limits of their jurisdiction.

In this brief sketch of our civil history it is impossible to enter into details upon the great subject of the law of the kingdom, as it existed during this remote period; but it may be generally remarked, that in the courts of the great justiciaries, as well as in those held by inferior officers of justice throughout the realm, most causes of importance appear to have been determined by the opinion of an assize, or an inquest; a mode of legal decision which we can discern as early as the reign of William the Lion. In the year 1184, we find an inquest appointed to decide a dispute regarding the pasturage of the king's forest, which had arisen between the monks of Melrose and the men of Wedale. The inquest, which consisted of twelve "good men," *fideles homines*, and Richard Moreville the constable, was sworn on the relics of the church, and sat in presence of the king, his brother David earl of Huntingdon, and the prelates and nobles of the court. It is probable, although it cannot be affirmed with certainty, that, even at this early age, the opinion of the majority of this jury of thirteen decided the case, and that unanimity was not required.<sup>1</sup>

In an inferior dispute, which seems to have arisen between the monastery of Soltre and the inhabitants of the manor of Crailing, in the year 1271, regarding the right of the monks to a thrave of corn every

<sup>1</sup> Chron. Melross, p. 176. Cartul. of Melrose, p. 64. Chalmers's Caledonia, pp. 752, 753.

harvest out of the manor, the cause was determined by a jury summoned from the three contiguous manors of Eckford, Upper Crailing, and of Hetun, who, under the title of *Antiquiores Patriæ*, decided it in favour of the monks of Soltre.<sup>1</sup>

The office of constable, which appears in Scotland as early as the reign of Alexander the First, was exclusively military, and undoubtedly of Norman origin. This great officer was the leader of the military power of the kingdom. In England, we find him, in 1163, denominated indiscriminately constabularius and princeps militiæ;<sup>2</sup> and there is every reason to believe that the province of the constable, as head of the army, was the same in both countries. What was the exact distinction in our own country between the office of the mareschal and the constable, it is not easy to determine. That they were different, appears certain from the fact, that we find a mareschal and a constable under the same monarch, and held by different persons; but we have no authentic record which describes the nature of the duties which devolved upon the mareschal, although there is no doubt that both offices, at an early period, became hereditary in certain great families.<sup>3</sup> The offices of the seneschal, or high-steward, and of the chamberlain, belonged to the personal estate of the sovereign; and those who held them enjoyed the supreme authority in the management of the king's household, and in the regulation of the royal revenue. Both are as ancient as the reign of David the First; and the rolls of the royal expenditure, and receipts of the various items and articles of revenue, which were

<sup>1</sup> Cartul. of Soltre, No. 17.

<sup>2</sup> Mathew Paris, p. 1028, l. 63, l. 11. Twysden, x. scrip. vol. ii. Glossary.

<sup>3</sup> Chalmers's Caledonia, pp. 709, 710.

kept by the chamberlain, in his capacity of treasurer, still fortunately remain to us,—a most curious and instructive monument of the state of the times. The offices of inferior interest, though of equal antiquity—the panetarius, or royal butler; the hostiarius, or keeper of the king's door; the pincerna, or cup-bearer; to which we may add, the keepers of the king's hounds, the royal falconers, the keeper of the wardrobe, the clerk of the kitchen, and various other inferior dignitaries—sufficiently explain themselves, and indicate a considerable degree of personal state and splendour.

To whatever spot the king moved his court, he was commonly attended by the great officers of the crown, who were generally the richest and most powerful nobles of the realm. It will be recollected, also, that such high barons were, in their turn, encircled by their own seneschals, chamberlains, constables, and personal attendants, and brought in their train an assemblage of knights, squires, and inferior barons, who regarded their feudal lord as a master to whom they owed a more paramount allegiance than even to their king. To these officers, knights, and vassals, who, with their own soldiers and martial dependants, constituted what was termed the “following” of every great baron, his voice was, in the most strict and literal meaning, a supreme law, his service their only road to distinction. This has been sometimes called the principle of honour; but as their neglect was sure to be visited with punishment, if not with utter ruin and degradation, it was, in truth, a lower principle—of selfishness and necessity—which limited their duties to the single business of supporting their liege lord against those whom he chose to esteem his enemies. None, indeed, can attentively read the history of those dark times, without being aware that

the immense body of the feudal vassals and military retainers, throughout Scotland, regarded the desertion of their king, or their leaguings themselves against the liberty of their country, as a crime of infinitely lighter dye, than a single act of disobedience to the commands of their liege lord; and, considered in this light, we must view the feudal system, notwithstanding all the noble and romantic associations with which it has invested itself, as having been undoubtedly, in our own country, a principal obstruction to the progress of liberty and improvement. We shall conclude our remarks upon the distinction of ranks in Scotland, by some observations upon the state of the lower classes of the people during this important period of our history.

These classes seem to have been divided into two distinct orders. They were, first, the free farmers, or tenants of the crown, of the church, and of the greater or lesser barons, who held their lands under lease for a certain rent, were possessed of considerable wealth, and enjoyed the full power of settlement in any part of the country which they chose to select, or under any landlord whom they preferred. This class is generally known in the books of the Chamberlain Accounts by the title of "*liberii firmarii*;" and a convincing proof of their personal freedom, at an early period, is to be found in the fact, which we learn from the same curious and instructive records, that the farmers of the king possessed the full power of removing from the property of the crown to a more eligible situation. During the minority of the Maiden of Norway, a sum of money was advanced to the farmers of the king, in order to prevail upon them to remain on the crown lands of Libberton and Laur-

encetown, which they were about to desert on account of a mortality amongst their cattle.<sup>1</sup> It was, I conjecture, this free body of feudal tenants who were liable to be called out on military service, and formed the great proportion of the Scottish infantry, or spearmen, in the composition of the army.

Very different from the condition of this first order was the second class of cottars, bondsmen, or villeyns. Their condition forms a marked and extraordinary feature in the history of the times. They were slaves who were sold with the land; and their master and purchaser possessed over their persons the same right of property which he exercised over the cattle upon his estate. They could not remove without his permission; wherever they settled, his right of property attached to them; and, whenever he pleased, he could reclaim them, with their whole chattels and effects, as effectually as he could seize on any animal which had strayed from his domain. Of this state of slavery innumerable examples are to be found in the Cartularies, establishing, beyond controversy, that a considerable portion of the labouring classes of the community was in a state of absolute servitude.

We find, for example, in the Cartulary of Dunfermline, that three bondsmen, Allan the son of Constantine, with his two sons, had in 1340 transferred themselves from the lands of the abbot of this religious house to some other habitation, under pretence that they were the villeyns of Duncan earl of Fife. On being ordered to come back to their own master, they had refused; upon which an inquest was summoned,

<sup>1</sup> "Item firmariis regis terre de Liberton et Laurancyston quorum animalia anno predicto moriebantur ad valorem x librarum iii. c. de gracia ad presens, et ne exeant terram regis in paupertate, et ne terra regis jaceat inculta." Chamberlain Accounts, Temp. Custodum Regni, p. 65.



for the purpose of determining to whom Allan the son of Constantine and his sons belonged, when it was found that they were the property of the abbot.<sup>1</sup>

So early as the year 1178, William the Lion made a donation of Gillandrean M'Suthen and his children to the monks of Dunfermline for ever.<sup>2</sup> We find that David the First, in 1144, granted, to the Abbot of Kelso, the church of Lesmahago, along with the lands of the same name, and their men; and still later, in 1222, the Prior and the Convent of St Andrews, by an express charter, which is still preserved, permit a bondsman and his children to change his master, and to carry his property along with him.<sup>3</sup> In the year 1258, Malise earl of Strathern gave to the monks of Inchaffray, for the safety of his own soul, and the souls of his ancestors and successors, John, surnamed Starnes, the son of Thomas, and grandson of Thore, with his whole property, and the children which he had begotten, or might beget,<sup>4</sup> and this for ever.

When a grant of land was made by the king, or by any of his nobility, either for military service, or to be held *blench* for the payment of a nominal feu-duty, it carried along with it, to the vassal, the power of removing the tenants, with their cattle, provided they were not native bondsmen. The right to these, and the power of reclaiming them, remained in the person of the lord of the soil, or feudal superior. Thus, in

<sup>1</sup> Cartulary of Dunfermline, p. 654. M'Farlane's Transcript. The folio in the original 98.

<sup>2</sup> Ibid. folio 13.

<sup>3</sup> MS. Monasticon Scotiæ, p. 33; quoted in Chalmers's Caledonia, vol. i. p. 720, and MS. Original Charters in Advocates' Library, No. 27. See Dalzel's Fragments of Scottish History, p. 26. See also Cartulary of Kelso, p. 9, as to the bondage of the labourers in the time of Alexander the First, and the Cartulary of Dunfermline, M'Farlane's Transcript, pp. 592, 593.

<sup>4</sup> Cartulary of Inchaffray, p. 36; quoted in Annals of Scotland, vol. i. p. 304.

a valuable collection of ancient papers, we find a charter, by which one of the Roberts confers upon Maria Comyn certain lands, "*cum licentia abducendi tenentes, cum bovis suis, a terris, si non sint nativi et ligii homines.*"<sup>1</sup>

In consequence of this certain and acknowledged right, in the feudal landlord or baron, to the property of his bondsmen, with their children and children's children for ever, it became a matter of great consequence to ascertain with exactness, and to preserve, the genealogy of this unfortunate class of men, in order that, upon any desertion or removal, the power of reclaiming them might be exerted with certainty and success. Accordingly, the Cartularies present us with frequent examples of genealogies of this sort.<sup>2</sup> The names of these bondsmen are essentially different from the free-born vassals and tenants, who commonly took their names from their lands. In an ancient deed, entitled a Perambulation to determine the boundaries between the lands of the Abbot of Dunfermline and those of David Doorward, which took place in the year 1231, under Alexander the Second, the names of the landholders and minor barons, and of the bondsmen who attended upon this occasion, are easily distinguishable from each other. We meet with Constantine de Lochor, and Philip de Loch, and many others, after which occur such uncouth appellatives as the following:—Gillecostentin, Bredinlamb, Gilleserfmac Rolf, Gillecolmmacmelg, John Trodi, Riscoloc, Beth MacLood, Gillepatric Macmanethin; and it may be noticed as a singular circumstance, which proves how different were the habits and customs of this degraded class from the freemen of the same country, that the

<sup>1</sup> Haddington's Collections, quoted by Dalzel, *Fragmenta*, p. 27.

<sup>2</sup> *Cartul. of Dunferm.* pp. 145, 146. See *Illustrations*, letter H.

father does not seem to have transmitted his name or surname to his children, or, at least, that this did not necessarily happen. In the genealogy of John Scoloc, which is preserved in the Cartulary of Dunfermline, the son of Patrick Stursarauch was Allan Gilgrewer, and the son of Allan Gilgrewer was John Scoloc.<sup>1</sup> It seems certain that no change in the situation of these bondsmen, by which they rose in eminence or opulence, could have the effect of removing them from their original degraded condition. They might enter the church and become clerks, or continue laymen, and pursue a successful career as artisans or merchants, but they were still as much slaves as before; and, till the time they purchased or procured their liberty by the grant of their master, their persons, profits, and whole estate, belonged exclusively to him. This is strikingly exemplified in a convention preserved in the Cartulary of Moray, which took place between Andrew the bishop of that see, and Walter Comyn. It was agreed, in this deed, that the Bishop of Moray, and his successors in the see, should have all the clerks, and two laymen, whose names were Gillemalovock Macnakengello, and Sythach Macmallon; these clerical and lay bondsmen, the deed proceeds to say, are to belong to the bishop and his successors, with their cattle, possessions, and children for ever; while the Lord Walter Comyn is to have all the remaining lay bondsmen of the lands of Logykenny and Inverdrum-myn.<sup>2</sup> It may, perhaps, be doubted whether the *clerici nativi* here spoken of, do actually mean bondsmen who have become clerks, or may perhaps merely

<sup>1</sup> Cartulary of Dunfermline, p. 145. M'Farlane's Transcript. See Illustrations, letter I.

<sup>2</sup> Cartulary of Moray, pp. 53, 54. See Illustrations, letter H. Caledonia, p. 721.

signify bondsmen belonging to church lands. Yet the words of the deed, and the marked opposition in which we find the words *clerici et laici nativi*, seem to favour the meaning here attached to it.

In England, under the government of the conqueror, it was the mark of freemen, that they could travel where they chose; and exactly the same criterion was established in our own country. In Domesday Book, a Norman baron, Hugo de Port, is mentioned as the master of two tenants, who, in the days of Edward the Confessor, might go where they pleased without leave. In like manner, Robert Bruce, in the year 1320, grants a charter to Ade, the son of Aldan, in which he declares that it had been found, by an inquest held before his chamberlain and justiciary, that this person was not the king's slave or bondsman, but was at liberty to remove himself and his children, with their goods and chattels, to any part of the kingdom which he might select, at his own will and pleasure, without molestation by any one: on which account the king declares the said Ade, with his sons Beth, John, Randall, and Duncan, to be his freemen, and as such not subject to any yoke or burden of servitude for ever.<sup>1</sup> As the master could reclaim his fugitive bondsman from any place to which he had transferred himself, so it was in his power alone to make his slave a freeman whenever he pleased. Thus, by a charter, dated at Perth on the 28th February, 1369, David the Second intimates to all concerned, that he has made

<sup>1</sup> Henshall's Specimens, p. 74. *Præter hoc habet Hugo duos homines tenentes dimidium solinum, qui poterant tempore Regis Edwardi ire quolibet sine licentia.* Domesday Book, 601. Robertson's Index to the Charters, Postscript, p. 54, and Index, p. 16. No. 26. In Robertson's Index, Postscript, p. 54, will be found another curious deed, illustrative of the condition of the "*nativi homines*," which is taken from an original in the Advocates' Library.

William, the son of John, the bearer of these letters, who was his slave and bondsman, his freeman, and had emancipated all his posterity; so that he had full right, without trouble or molestation, to travel with his property and his children to whatever place he chose, and there take up his abode.<sup>1</sup> Many examples of the manumission of such unfortunate persons by their baronial masters, and still more frequent instances of the gift of freedom, conferred by the rich ecclesiastics and religious houses, are to be found in records of undoubted authenticity.<sup>2</sup> But the progress of freedom amongst the labourers of the soil was exceedingly slow and gradual; the names which are indicative of this degraded condition, such as *nativi*, *servi*, *villani*, *homines fugitivi*, *bondi*, *mancipii*, occur throughout the whole period of the thirteenth and fourteenth centuries; nor is it prior to the fifteenth that we can discern the extinction of slavery and the complete establishment of individual freedom. In Scotland, bondage appears to have been sooner abolished than in the sister country. It continued in force in England as late as the year 1536; and its last traces are still discoverable in 1574, when a commission was issued by Elizabeth for the complete manumission of the last relics of bondsmen and bondswomen in her dominions.<sup>3</sup>

<sup>1</sup> Robertson's Index, pp. 47, 66, 89.

<sup>2</sup> See Illustrations, letter H.

<sup>3</sup> Barrington on the Statutes, pp. 247, 351.

## SECTION III.

## ANCIENT PARLIAMENT OF SCOTLAND.

In the course of these observations, a subject of great interest and importance now presents itself, the satisfactory elucidation of which would require many pages of careful and laborious investigation: I mean the history and constitution of the ancient parliament of Scotland.

Long before the existence of the word parliament, or the mention of the three estates of the kingdom, in our authentic histories or records, the sovereign of Scotland, like every other contemporary feudal monarch, was accustomed to consult, on occasions of solemnity and importance, with his high council, consisting of the bishops and abbots, the great officers of the crown, and the most powerful nobles and barons of the realm; but nothing resembling a regular parliament is to be found during the reigns of Alexander the First, or of his brother David. The bold and imperious character of Alexander seems, indeed, to have stretched the royal prerogative to the utmost extent; and, from the few and imperfect records of his short reign which yet remain to us, he appears to have been his own chief councillor; but it is more remarkable, that we look in vain for a parliament, or for any solemn assembly of the estates of the realm, under the long reign of David the First, although he has been pronounced by Buchanan, an impartial witness when kings are the subject, the most perfect model of a wise and virtuous prince. Yet David was undoubtedly a legislator; and on one memorable occasion, the death of the heir-apparent, his only son,

Prince Henry, he adopted the most solemn measures for the regulation of the succession.

It will, perhaps, be recollected by the reader, that under the reign of Robert Bruce, when the death of the young Steward rendered necessary some new enactments regarding the succession to the throne, a parliament assembled, in which the entail of the crown was solemnly settled upon Robert the Second, and his descendants. Now, David the First, in 1152, had exactly the same task to perform as Bruce in 1318. But the mode in which it was executed was entirely different. He called no parliament. We do not even discover that he took the advice of his royal council, or of his nobility. But he assembled an army, of which he gave the command to one of the most powerful of his nobles, and, delivering to him his infant grandson, commanded him to march through his dominions, and to proclaim him heir to the crown;<sup>1</sup> a circumstance from which there arises a strong presumption that, at this period, a parliament was unknown in Scotland.

Neither do we find this great council under the reign of his successor, Malcolm the Fourth. Lord Hailes, indeed, in his Annals, has stated that Malcolm, with the advice of his parliament, gave his sisters, Ada and Margaret, in marriage to the Counts of Holland and Brittany; but the words of Fordun, if accurately understood, do not appear to bear such meaning; and the conjecture which the same author has added, in a note, is the true sense: "*Malcolmus subsidio suorum et consilio*," implies nothing more than that Malcolm, with the "assistance and advice of his nobles," married his sisters. The assistance here spoken of was

<sup>1</sup> Simeon Dunelm. p. 280.

probably an aid or grant of money, given to the king to make up the marriage portions of the young princesses; but there is not the slightest proof that a parliament was assembled, during the reign of Malcolm, upon this or any other occasion.<sup>1</sup>

In 1174, William the Lion, the successor of Malcolm the Fourth, having been taken prisoner by the English, after a short confinement at Richmond, was sent, by Henry the Second, to a more secure and distant dungeon at Falaise, in Normandy. The event called for an immediate interference of those upon whom the principal management of the government devolved; and it is well known that, in the name of the nation, a disgraceful transaction took place, by which the king, with consent of the Scottish barons and clergy, purchased his liberty at the price of the independence of the country. The principal fortresses of the kingdom, and some of the highest barons of the realm, were placed in the hands of the English king, as hostages for the performance of this treaty; yet this whole transaction, which gave liberty to a king, and extorted from the nobles an acknowledgment of feudal superiority in the English crown, was carried through without a parliament.

Upon the accession of Richard the First, that crusading monarch, anxious to collect money for his expeditions to the Holy Land, proposed to restore, to the same prince who had resigned it, the independence of the nation, upon payment of ten thousand marks, somewhat more than a hundred thousand pounds of our present money. This sum, we learn from authentic evidence in the Cartulary of Scone,<sup>2</sup> was collected

<sup>1</sup> Fordun & Goodal, book viii. chap. iv. Hailes' Annals, vol. i. p. 124, 8vo edition.

<sup>2</sup> Cartulary of Scone, f. 10. Hailes' Annals, vol. i. p. 166.



by means of an aid granted by the clergy and the nobles; and it is remarkable, that there is not the slightest mention of a parliament in the course of the whole transaction. Not long before his death, the same monarch concluded a peace with King John of England, by one of the articles of which he engaged to pay to this prince the large sum of fifteen thousand marks. This could not be done without assistance; and, when the term of settlement arrived, "a great council," says Fordun, "was held at Stirling, in which, having requested an aid from his nobility, they promised to contribute ten thousand marks, besides the burgesses of the kingdom, who agreed to give him six thousand."<sup>1</sup> That this was a national council, and not merely a consultation of the king with his great officers, is, I think, evident, from an expression of Benedictus Abbas, when describing the consideration given by William to a proposal of Henry the Second, for a marriage between the Scottish prince and Ermingarde de Beaumont, as contrasted with the words used by Fordun. "*Rex, habito cum familiaribus consilio, tandem adquevit,*" are the words used by the first-mentioned historian;<sup>2</sup> and they are essentially different from the expression of Fordun.<sup>3</sup> Yet, upon what grounds shall we presume to call this great council a parliament, when no evidence remains to us that the spiritual estate were assembled at all, or that a single burghess or merchant sat in the assembly, although the royal burghs, as towns belonging to the king, were obliged to contribute their share in the public burden?

We shall, I think, be confirmed in this opinion, by an examination of some of the great public transactions

<sup>1</sup> Fordun a Goodal, lib. viii. chap. lxxiii. vol. i. p. 529.

<sup>2</sup> Benedictus Abbas, p. 448.

<sup>3</sup> Fordun a Goodal, vol. i. p. 529.

of the succeeding reign of Alexander the Second. Upon the marriage of this monarch with an English princess, Joan, the sister of Henry the Third, it naturally happened that many intricate discussions, and grave and material stipulations took place ; yet these, as well as the settlement of the jointure of the princess, were discussed, and finally concluded, without the intervention of a parliament : and the same observation may be made on the second marriage of this prince with Mary de Couci.<sup>1</sup> On another occasion, when Alexander, in 1224, levied an aid of ten thousand pounds, for providing portions to his sisters, it was granted, or rather imposed upon the nation, by the simple order of the king, without the slightest appearance of a meeting of the three estates, or even of the council of the king ;<sup>2</sup> and although we are informed by Fordun, that the same monarch, immediately after his coronation, held his parliament at Edinburgh, in which he confirmed to the chancellor, constable, and chamberlain, the same high offices which they had enjoyed under his father,<sup>3</sup> the expression is so vague, and the notice so brief, that no certain inference can be deduced from it. On the contrary, although he was one of the wisest and most popular of our early kings ; although statutes of his enactment have come down to us, and his reign is fertile in domestic troubles and in foreign war, a careful examination of our authentic historical records has failed to discover a single instance, if we except the above, in which a parliament was assembled ; and the government appears to have been entirely directed and controlled by the will of the king, and the advice and assistance of the great officers of the crown.

<sup>1</sup> Math. Paris, p. 411. Ed. a Wats.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 53.

<sup>3</sup> Ibid. vol. ii. p. 34.

Upon the accession of Alexander the Third there was no change in this respect. The important public measure of the marriage of their youthful king with a daughter of Henry the Third; the appointment of counsellors, who were intrusted with the management of the kingdom during the minority of the sovereign; and the frequent changes in the regency which occurred in the stormy commencement of this reign, were wholly carried through without a parliament.<sup>1</sup> But we shall not wonder at this, when one of the most important transactions of his reign, the settlement of the disputes with Norway, and the acquisition of the Western Isles, involving an intricate and laborious treaty with that kingdom, a grant of money, and a yearly payment of a hundred marks, was concluded entirely by the king. The words, "*habito super hoc maturo avisa-mento*," which are used by Fordun, cannot, by the utmost ingenuity, be construed into any thing more than a consultation between the king and his council.<sup>2</sup> The mode of considering the expediency of any public measure during this reign, appears to have been by the king holding a council, or colloquy, with the officers of the crown, and, probably, the most powerful of the nobility. In the year 1264, when the treaty with Norway was in agitation, Alexander held two colloquies of this kind at Edinburgh; and the Accounts of the Chamberlain inform us, that on this occasion the carcasses of twenty-seven cows, six calves, and four-

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 84, 85, 90, 91. In the year 1259, we find in Mathew Paris, p. 844, Ed. a Wats. that W. de Horton, a commissioner from Henry the Third to the King of Scotland, on his arrival in that country, found the king and queen, and the nobility of the realm, assembled in parliament; but of this parliament we have no evidence in Fordun, or Winton, or any authentic record. It was in all probability a mere assembly of the court.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 102.

score of sheep, were sent to the capital for the consumption of the king's household.<sup>1</sup>

On the death of the prince of Scotland, and of his sister the Queen of Norway, events which left this monarch with an infant grandchild as the only heir to the crown, it became necessary, for the peace and welfare of the kingdom, that there should be a settlement of the succession; and it is fortunate that, in two authentic historians, we have a clear, although exceedingly brief, account of this transaction. Winton informs us, that Alexander the Third "caused make a great gathering of the states at Scone;" and by an original and contemporary record in Rymer, it is shown that in this "gathering," which took place on the 5th February, 1283-4, the Scottish nobles bound themselves by a solemn oath to acknowledge Margaret princess of Norway as their lawful queen, failing any children of the monarch then on the throne, or of the Prince of Scotland deceased.<sup>2</sup> The expressions used by Fordun in describing the same assembly, denominate it a council of the prelates and nobles of the realm.<sup>3</sup> Neither of these historians makes use of the word parliament in recording this event; nor is there the slightest evidence of the appearance of the representatives of the burghs upon this occasion; and, as Alexander the Third died soon after, we must conclude that, during his whole reign, there is no evidence that a parliament, in the sense in which that word was

<sup>1</sup> In viginti septem carcossis vaccarum et vi. vacc. et liijxx. multonibus empt. ad servicium Dni Regis ad duo Colloquia que tenebantur apud Edinburgh, anno moclxiv. Chamberlain Accounts, vol. i. p. 52. Compotum Vicecom. de Edinburgh, Temp. Alex. III.

<sup>2</sup> Winton, vol. i. p. 397, and Rymer, vol. ii. p. 1091, and 582. Winton is in an error in making this gathering of the states in 1285, as it appears in the *Fœdera* to have been held 5th February, 1283-4.

<sup>3</sup> Fordun a Goodal, vol. ii. p. 127.

used in England under Edward the First, ever sat in Scotland.

Upon the death of this monarch, and the subsequent calamities in which the kingdom was involved by the ambition and injustice of Edward the First, we begin to discern something like the appearance of the great national council; and it is a remarkable fact, that, from the greatest and bitterest enemy who ever coped with this country, we should have derived our first ideas regarding a regular parliament, composed of the prelates, barons, and representatives of the royal burghs. But this, as may be naturally conjectured, was not a sudden, but a gradual change, of which the history is both interesting and important.

Immediately after the death of Alexander the Third, we are informed by Winton that there was a meeting of the estates of Scotland, who held a parliament, in which they appointed six regents to govern the kingdom. It is to be observed, that this is the first time that the word parliament is used by this historian; but unfortunately no authentic record of its proceedings has been preserved; and Fordun is even silent as to its existence.<sup>1</sup> With regard, however, to a meeting of the estates of Scotland, which not long after this took place at Brigham, we are fortunately not so much in the dark; as the record of it is preserved, and proves beyond a doubt the exact constitution of the great national council or parliament in 1289. It consisted of the five guardians or regents, ten bishops, twelve earls, twenty-three abbots, eleven priors, and forty-eight barons, who address themselves to Edward under the title of the community of Scotland; and it is certain that, in this parliament held

<sup>1</sup> Winton, vol. ii. p. 10. Fordun a Hearne, p. 951.

at Brigham, there is no appearance of the representatives of the burghs; an evident proof that, although called upon frequently to contribute their portion in the aids or grants of money which the exigencies of the kingdom required, they as yet had no place in the national council, and were not considered, in a legislative light, as part of the community of the realm.

In the treaty regarding the marriage of the Prince of Wales and the Maiden of Norway, which was concluded at Brigham, one of the articles expressly stipulates, "that no parliament was ever to be held without the boundaries of Scotland;" but the deed itself throws no light upon the composition of this national council. The death of the Princess of Scotland, and the bold and unprincipled conduct of the English monarch, have been already detailed; and as the various conferences preparatory to the decision of the great question of the succession took place in an English parliament, although attended by the whole body of the Scottish nobility, it would be unsound to draw any inferences from this part of our history illustrative of the constitution of the ancient Scottish parliament; nor can we lay much stress on a passage in Fordun,<sup>1</sup> when he informs us, that the parliament of Scotland afterwards declared to Baliol, that he had been compelled to swear homage to Edward, "*inconsultis tribus statibus regni.*" It is material, however, to observe, that when Edward, in the interval between the delivery of the Scottish fortresses, and the production of the claims of the competitors, took his progress through Scotland for the purpose of exacting a general homage, he called upon the burgesses of the realm to come forward and take the oaths of allegiance; and that the first record in

<sup>1</sup> Fordun a Goodal, vol. ii. p. 152.

which we find the names of this important class in the community is an English deed, and the first monarch who considered their consent as a matter of public consequence, an English sovereign.<sup>1</sup>

Upon the accession of Baliol to the throne, we have seen the harshness and intolerance with which he was soon treated by his new master; and it is worthy of remark, that in the parliament which was held by this unfortunate monarch, immediately after these indignities had been offered him, there is the first authentic intimation that the *maiores populi*, or chiefs of the people, formed a constituent part of this assembly.<sup>2</sup> This, therefore, is the first great national council in the history of our country, which is truly entitled to be called a parliament; the first meeting of the estates, in which the clergy, the nobility, and the representatives or heads of the people, sat in deliberation upon the affairs of the country. It may, perhaps, be in the recollection of the reader, that its proceedings were of a bold and determined description. They banished all Englishmen from Scotland; seized and confiscated the estates of the Anglo-Scottish nobles; compelled Baliol to renounce his homage and fealty; and resolved upon an immediate war with England.<sup>3</sup> In addition to this, the same parliament negotiated a marriage between a daughter of France and the eldest son of their sovereign; and the public instrument which contains the treaty entered into between France and Scotland, upon this occasion, affords another proof that the towns and burghs had arisen at this period into a consideration to which till now they had been

<sup>1</sup> Fœdera, vol. ii. p. 573. Prynne, pp. 502, 512.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 153. Hemingford, vol. i. p. 75, gives a different description as to the constitution of this parliament; but I prefer Fordun's authority.

<sup>3</sup> *Supra*, vol. i. p. 108-110.

strangers. It contains a clause, which provides that it shall be corroborated by the seals and the signatures, not only of the prelates and nobles, but of the "*communitates villarum regni Scotie*," meaning, evidently, the royal burghs of the kingdom.<sup>1</sup> The expression in another part of the treaty is, "*universitates et communitates notabiles regni*," which is equally clear and definite. I venture, therefore, to affirm, that as far as an examination of the most authentic records which have yet been discovered entitles us to judge on the subject, the first appearance of the royal burghs, as an integral part of the Scottish parliament, is to be found under the third parliament of Baliol; and that we probably owe their admission into the great national council to our bitter enemy, Edward the First. Could we discover the original record of this important parliament, the question would at once be set at rest; but the expression of Fordun, and the positive proof of the appearance of the burghs in the treaty with the King of France, appear to be conclusive upon the point.

In the long train of national calamities which followed this alliance with Philip, we do not once meet with any event which throws light upon the constitution of our ancient parliament, till the period when Edward, after the death of Wallace and the surrender of the castle of Stirling, in the premature belief that his Scottish wars were ended, proceeded to organize a final settlement of his conquest. Upon this occasion, the persons whom he consulted were, the Bishop of Glasgow, Robert Bruce, afterwards king, and John de Mowbray. By their advice, he issued an ordinance, directing that the "Community of Scotland,"

<sup>1</sup> Rymer's *Fœdera*, vol. ii. p. 696.



meaning the estates of the realm, should assemble at Perth on the 28th of May, 1305, in order to elect ten commissioners, who were to repair to the English parliament, which was to be held at London. This number of ten persons, who were vested with full powers from the Scottish parliament, was to include two bishops, two abbots, two earls, two barons, and two members to represent the "Commune," or community of burghs; a clear and satisfactory proof that their right to be represented in the great national council was now distinctly recognized, and that they stood in this respect upon the same ground as the two other estates of the kingdom.<sup>1</sup> It is unfortunate that no authentic record has come down to us, of the proceedings of the Scottish parliament in which these ten commissioners were elected; but it may be presumed that the representatives of the burghs sat in the national council at Perth, and elected the two commissioners, who were to appear for them in the English parliament at London. From this period till the year immediately subsequent to the battle of Bannockburn, no parliament sat in Scotland. Perhaps it is more correct to say, no record of any has been preserved; because an important council of the clergy, which was held at Dundee, and in which a solemn instrument was drawn up respecting the succession to the crown, gives us some ground for supposing that about the same time a meeting of the three estates had taken place. In the year 1315, Bruce, whose only child was a daughter, yet unmarried, judging it prudent to settle the succession, assembled a parliament at Ayr, on the 26th April, 1315; and we know from the authentic evidence of the instrument drawn

<sup>1</sup> Palgrave's Parliamentary Writs, Introductory Chronological Abstract, p. 66.

up at this time, that the heads of the communities, or burghs, sat in this parliament, and affixed their seals to the deed, along with the prelates, earls, and barons, who were convoked upon this solemn occasion.<sup>1</sup> No other meaning can be given to the passage which affirms that the prelates, earls, barons, and heads of the communities or royal burghs, "*majores communitatis*," had appended their seals to the instrument.

The same observations may be made regarding the parliament which met at Scone in the year 1318, after the death of King Edward Bruce in Ireland; in which it was deemed necessary, by King Robert, to introduce some new regulations regarding the same subject—the succession to the crown.<sup>2</sup> Of this assembly of the estates, as of the former, no original record remains; but the presence of the "communities" or burghs is proved by the copy of the original deed, which is preserved amongst the Harleian Manuscripts. In like manner, strong evidence is afforded by the famous letter of remonstrance, which was addressed to the pope in the year 1320, that the burghs were now considered as an integral part of the parliament. This epistle was drawn up in a parliament held at Aberbrothoc; and, after enumerating in its exordium the names of the prelates, earls, and most noted of the barons present, it adds, the "*libere tenentes ac tota communitas regni Scotiæ*."<sup>3</sup>

Hitherto, as far as the history of the ancient parliament of Scotland has been examined, we have been compelled to be contented with such passages as afford,

<sup>1</sup> Fordun & Goodal, vol. ii. p. 253. Robertson's Index to the Charters, Appendix, pp. 7, 8. The original deed is now lost, although it appears to have been in the hands of Sir James Balfour, who made the copy which now exists amongst the Harleian Manuscripts, No. 4694.

<sup>2</sup> Fordun & Goodal, vol. ii. p. 290. Robertson's Index, App. p. 9.

<sup>3</sup> Fordun & Goodal, vol. ii. p. 275.

not indeed conclusive evidence, but certainly strong presumptions, that from the period of the reign of Baliol, the representatives of the burghs appear to have been admitted into the great national council. But we have now reached the parliament which was held by Bruce at Cambuskenneth in 1326; and although the original record of this assembly of the estates has perished, with many other precious instruments which might have thrown a flood of light upon the obscure paths through which we have been travelling, an indenture has been preserved, which proves beyond a doubt, that, besides the earls, barons, and freeholders, or *libere tenentes*, the representatives of the burghs sat in this parliament, and formed the third estate of the national council.<sup>1</sup> The expressions of the historian, Fordun, upon this occasion, are different from what he generally uses: "In this year," says he, "at Cambuskenneth, the clergy of Scotland, with the earls, barons, and whole body of the nobles, along with the people there assembled, took the oaths of allegiance and homage to David, the son and heir of their king." On such an occasion, Bruce, whose health was fast declining, would be naturally desirous that the oaths to his son and successor should be tendered in the midst of a numerous and solemn concourse of his people. It may be presumed, therefore, on strong grounds, that the chief men of every burgh in the kingdom would be admitted into the parliament at Cambuskenneth.

This is the last parliament of Bruce, regarding which we have any certain account. There can be little doubt, however, that a parliament was assembled at Edinburgh, in which the peace of Northampton, which for ever secured the independence of the kingdom, was

<sup>1</sup> This indenture is printed in Kames' *Law Tracts*, Appendix, No. 4. Fordun a Goodal, vol. ii. p. 287.

debated on, and finally adjusted ; as we know that a treaty was concluded at Edinburgh, on the 17th of March, 1327, which was afterwards ratified by Edward the Third at Northampton, on the 4th of May, 1328. It is satisfactory to find that the expressions of this treaty clearly demonstrate that the burghs had been consulted in its formation. It is said to be concluded with consent of the prelates, earls, barons, and other heads of the communities of the kingdom of Scotland.<sup>1</sup>

In that disgraceful parliament held by Edward Baliol at Edinburgh, in 1333, in which this prince gave up the independence of the nation, and, by a solemn instrument, actually dismembered the kingdom, and annexed a great portion of its territory to England, the burghs did not appear,<sup>2</sup> an exemption of which Scotland ought to be proud. It is evident, indeed, from the account of it preserved in the original record in the *Fœdera*, that the assembly was not so much a parliament, as a meeting of Baliol's adherents, held under the direction and control of Geoffrey Scrope, chief justice of England.

From this period, for more than twenty years, the history of the country presents us with a frightful picture of foreign and domestic war ; of the minority and captivity of the sovereign ; and the intrigues and treasons of the nobles ; with the enemy constantly at their gates, and fighting daily for their existence as a people. During all this time, no parliament appears to have assembled ; and the different regents who successively held the reins of government, were summarily chosen by the voices of the few nobles who continued to struggle for their liberty.<sup>3</sup> There is not

<sup>1</sup> Robertson's Index, p. 103.      <sup>2</sup> Rymer's *Fœdera*, vol. iv. p. 590.

<sup>3</sup> In Fordun, book xiii. chap. xxii. xxv. xxvii., there are notices of the election of the Earl of Mar as regent, in a parliament held at Perth, 1332, and of the same high office being conferred, successively,

preserved to us a single document from which we can conclude that the prelates, the barons, and the community of burghs, ever consulted together throughout all this disastrous period ; but, to this era of obscurity and darkness, there succeeds a gleam of light, which suddenly breaks in upon us in the negotiations for the ransom of the captive king, and sets the question, as to the constitution of the Scottish parliament in 1357, nearly at rest. In a parliament held this year at Edinburgh, we know, from the original instrument preserved in the *Fœdera*,<sup>1</sup> that the representatives or delegates of the seventeen royal burghs, formed the third estate in this great council ; and when the prelates and the barons chose their respective commissioners to carry through the final arrangement regarding the restoration of their king, and the payment of his ransom, the royal burghs nominated, for the same end, eleven delegates, to whom ample powers were intrusted.<sup>2</sup>

It would have been impossible, indeed, for the nation to have paid the large ransom which was then exacted by England, without the assistance of the class of the community which, next to the clergy, possessed the greatest command of ready money. It is important to observe that, in the record of the proceedings of this national council, which may be said to be the first Scottish parliament in which there is unquestionable evidence of the presence of the burghs as the third estate, the expressions employed in the instrument in

on Sir Andrew Moray of Bothwell, in the same calamitous year, and on Archibald Douglas, in 1333 ; but the times were full of war and trouble, and all record of these elections has perished.

<sup>1</sup> *Fœdera*, vol. vi. pp. 43, 44, 45. It is evident, I think, that the royal burghs also sat in the parliament held at Perth on the 17th January, 1356-7.

<sup>2</sup> *Supra*, p. 36.

Rymer are exactly the same as those which I have considered as demonstrative of the presence of the royal burghs in the parliaments of Baliol and Bruce. "De consensu et voluntate omnium comitum, procerum, et baronum et communitates regni Scotiæ."<sup>1</sup>

The records of the parliaments which were held by David after his return to his dominions in 1363, at Scone, being mutilated and imperfect, we are only able to say that the three estates were present;<sup>2</sup> but in the original record of the parliament held at Perth in 1364, it is not only certain that the representatives of the royal burghs formed the third estate, but the names of the worthy merchants who filled this important situation have been preserved.<sup>3</sup> Again, in a parliament held at Scone on the 20th July, 1366, we find it stated in the initiatory clause, that it consisted of those who were summoned to the parliament of the king according to ancient use and wont, namely, the bishops, abbots, priors, earls, barons, and free tenants, who hold of the king *in capite*, and certain burgesses who were summoned from each burgh to attend at this time; whilst, in a subsequent meeting of the great national council, in the autumn of the year 1367, we find the earliest appearance of those committees of parliament which became afterwards so common, and, in all probability, gave rise to the later institution of the Lords of the Articles. It is stated that, in con-

<sup>1</sup> The consideration into which the burghs or the merchants of Scotland had arisen during those tedious negotiations for David's liberty, which called for an immediate supply of money, is evident from a deed in Rymer, vol. v. p. 723, in which the clergy, nobles, and merchants of Scotland, gave their oaths for the fulfilment of certain conditions. It is dated 1361. And again, in the abortive treaty for the king's ransom, which was concluded in 1354, and which will be found in Rymer, vol. v. p. 793, certain merchants and burgesses of Aberdeen, Perth, Dundee, and Edinburgh, became bound for the whole body of the merchants of Scotland.

<sup>2</sup> Robertson's Parliamentary Records, pp. 96, 100.

<sup>3</sup> Ibid. p. 101.

sequence of its being held at this season, "*causa autumni*," certain persons had been elected to hold the parliament, while permission was given to the rest of the members to return to their own business.<sup>1</sup> On this occasion, thirteen burgesses were chosen by their brethren; the burghs of Edinburgh, Aberdeen, Perth, Dundee, Montrose, and Haddington, each being represented by two burgesses, and the burgh of Linlithgow by a single delegate. The expense and inconvenience occasioned by a summons to attend as members of the great national council, are apparent in the record of a parliament which assembled at Scone, on the 12th of June, 1368, and of a second meeting of the three estates, which took place at Perth on the 6th of March of the same year. In the first, the practice of obtaining a leave of absence, and sending commissioners in their place, appears to be fully recognized; and in the second, we find the same measure again adopted which is above alluded to, of making a selection of a committee of certain members, to whom the judicial business of the parliament, and the task of deliberating upon the affairs of the country, were intrusted; leave being given to the rest of the members to take their departure, and attend to their own concerns.

It has been already remarked,<sup>2</sup> that, in the last parliament of David the Second, which was held at Perth on the 18th of February, 1369, this new practice of choosing committees of parliament was carried to a dangerous excess. To one of these committees, composed of six members selected from the clergy, fourteen from the barons, and six from the burgesses, was committed the decision of all judicial pleas and complaints which belonged to the parliament; and to

<sup>1</sup> Robertson's Parliamentary Records, pp. 105, 108.

<sup>2</sup> *Supra*, p. 97.

the other, which included in its numbers the clergy and the barons alone, was intrusted the consideration of certain special and secret affairs touching the sovereign and the kingdom, which it was thought expedient should be discussed by them alone, previous to their coming to the knowledge of the great council of the nation.<sup>1</sup>

I have endeavoured to trace the history of the ancient constitution of our Scottish parliament, from the earliest appearance of a national council to the era of the full admission of the burghs as a third estate. Guided in our investigation by the sure light of authentic records and muniments, or of almost contemporary historians, we have seen the earliest appearance of the commons or burghs under Baliol; their increased consequence in the conclusion of the reign of Bruce; and their certain and established right of representation during the reign of David the Second; and, in concluding this division of our subject, it may be remarked, that the employment of the great national council, in a judicial as well as a legislative capacity, cannot be traced to an earlier period than the reign of this monarch.

---

#### SECTION IV.

##### EARLY COMMERCE AND NAVIGATION.

In the course of these observations upon the condition of the country during this remote period of our history, its commercial wealth and the state of its early

<sup>1</sup> Robertson's Parliamentary Records, p. 117.



manufactures are subjects of great interest, upon which it will be necessary to offer some remarks; and both points are so intimately connected with the navigation of the country, that it will be impossible to advert to the one without attending to the other. The general prosperity of the kingdom under the reign of Alexander the Third has already been noticed; and there is even reason to believe, that at an infinitely more remote period the Scots had established a commercial intercourse with the continent, and in the end of the sixth century imported fine linen from foreign parts.<sup>1</sup> Under the reign of Macbeth—a monarch whom the patient research of our antiquaries has rescued from the region of fable, and the immortal libels of Shakspeare—the kingdom was wealthy; and from the discovery of large quantities of money, coined by Canute, the almost contemporary King of England, we may infer the existence of some foreign commerce. It is certain that, in a pilgrimage to Rome, this king exhibited a liberality, in distributing money to the poor, which was considered remarkable even in that rich resort of opulent pilgrims.<sup>2</sup> The rich dresses which were imported by Malcolm the Third, the Asiatic luxuries of Alexander the First, and the grant by Edgar, to the church of Durham, of the duties on ships which entered the ports of a certain district in his dominions, all denote the existence of a trade with foreign countries.

Under the subsequent prosperous and able reign of David the First, the evidence of the Cartularies, and the minute and interesting details of his friend and

<sup>1</sup> Macpherson's Notes on Winton, vol. ii. p. 479.

<sup>2</sup> A. D. 1050. "Rex Scotiæ Machetad Rome argentum seminando pauperibus distribuit." Marianus Scotus. Macpherson's Notes on Winton, vol. ii. pp. 469, 479.

biographer, Ethelred, enable us to form some idea of the commercial wealth of the nation. Scotland was, at this period, visited by many foreign ships; and the merchants of distant countries traded and exchanged their commodities with her opulent burghers. It was the praise of this monarch, to use the language of Fordun, "that he enriched the ports of his kingdom with foreign merchandise, and to the wealth of his own land added the riches and the luxuries of foreign nations; that he changed its coarse stuffs for precious vestments, and covered its ancient nakedness with purple and fine linen."<sup>1</sup> In his reign, the ports of Perth, Stirling, and Aberdeen, were the resort of foreign merchant ships, which paid certain duties to government before they were permitted to trade; and out of the sums thus collected, the king, who favoured the church, gave frequent grants to the monasteries and religious houses.<sup>2</sup>

One great cause of the wealth and prosperity of Scotland, during those early times, was the settlement of multitudes of Flemish merchants in the country, who brought with them the knowledge of trade and manufactures, and the habits of application and industry which have so long characterized this people. These wealthy citizens had been welcomed into England by the wisdom of Henry the First, and had settled upon the district contiguous to the marches, from which they gradually spread into the sister country during the reign of Alexander the First. In 1155, Henry the Second, with angry and shallow policy, banished all foreigners from his dominions;<sup>3</sup> and the Flemings, of whom there were then great numbers in

<sup>1</sup> Fordun & Goodal, vol. i. p. 305.

<sup>2</sup> Dalrymple's Collections, p. 386.

<sup>3</sup> Brompton, p. 1043.

England, eagerly flocked into the neighbouring country, which offered them a near and safe asylum. Here, without losing their own particular tendency to make money by trade, and to establish commercial settlements, they accommodated themselves to the warlike habits of the people, and willingly served, with other mercenary troops of the same nation, in the king's army;<sup>1</sup> whilst, at the same time, their wealth and industry as traders, fishers, manufacturers, and able and intelligent craftsmen, made them excellent instruments, in the hands of David the First, for humanizing and ameliorating the character of his people, and introducing amongst them habits of regular civil occupation.

We can trace the settlement of these industrious citizens, during the twelfth and thirteenth centuries, in almost every part of Scotland: in Berwick, the great mart of our foreign commerce; in the various towns along the east coast; in St Andrews, Perth, Dunbarton, Ayr, Peebles, Lanark, Edinburgh; and in the districts of Renfrewshire, Clydesdale, and Annandale. There is ample evidence of their industrious progress in Fife, in Angus, in Aberdeenshire, and as far north as Inverness and Urquhart. It would even appear, from a record of the reign of David the Second, that the Flemings had procured from the Scottish monarchs a right to the protection and exercise of their own laws.<sup>2</sup> It has been ingeniously conjectured, that the story of Malcolm the Fourth having dispossessed the ancient inhabitants of Moray, and of his planting a new colony in their stead, may have originated in the settlement of the Flemings in that remote and rebellious district.<sup>3</sup>

<sup>1</sup> *Gulielmus Neubrigensis*, p. 232.

<sup>2</sup> *Robertson's Index*, p. 61.

<sup>3</sup> *Chalmers's Caledonia*, vol. i. pp. 627, 628.

The early domestic manufactures of our country, the woollen fabrics which are mentioned by the statutes of David, and the dyed and shorn cloths which appear in the charter of William the Lion to the burgh of Inverness,<sup>1</sup> must have been greatly improved by the superior dexterity and knowledge of the Flemings; and the constant commercial intercourse which they kept up with their own little states, could not fail to be beneficial in importing the knowledge and the improvements of the continental nations into the remoter country where they had settled.<sup>2</sup>

The insular situation of Scotland, and the boisterous seas and high rocky coasts which defend it, must have early accustomed its inhabitants to direct their attention to the arts of ship-building and navigation. Other causes increased this. The early intercourse and colonization of the Western Islands, and of the mainland districts of Caithness and Sutherland by the Norwegians, with the constant piratic battles which took place between this powerful people and the independent sea kings who broke off from their dominion, nursed up a race of hardy sailors and intelligent mercantile adventurers; and these, on becoming subjects and vassals of the Scottish kings, brought with them a stock of courage, skill, and enterprise, which was of the highest value to the nation.

It is singular, too, that in these remote islands, when they remained under the dominion of the Norwegians, there is reason to believe that the arts and manufactures had been carried to a high pitch of excellence. The Hebridean chiefs, in the exercise of piracy, the principal source of their wealth, and then esteemed an

<sup>1</sup> See also the charter of William the Lion to the royal burgh of Perth, in *Cant's Muse's Threnodie*, vol. ii. p. 6.

<sup>2</sup> *M'Pherson's Annals of Commerce*, vol. i. p. 403.

honourable profession, had made descents upon most of the maritime countries of the west of Europe, had become acquainted with the navigation of their seas, and carried off to their islands the silks, the armour, the golden vases, the jewelled ornaments, and the embroidered carpets and tapestry which they plundered from the castles, churches, and palaces of the west.<sup>1</sup> Their skill in navigation, and the formidable fleets which they could launch against their enemies, are attested in many passages of their own historians. Alan lord of Galloway, one of those independent princes who often disdained to acknowledge the sovereignty of Scotland, fitted out a fleet of a hundred and fifty ships, and drove Olave the Black, King of Man, from his dominions.<sup>2</sup> At an era anterior to this, Reginald son of Somerled, then the King of Man, was so opulent as to purchase the whole of Caithness from William the Lion, an exception being specially made of the yearly revenue due to the sovereign.<sup>3</sup> Ewen of Argyll, one of these island chiefs, agreed, at an early period, probably towards the conclusion of the reign of Alexander the Second, to pay to the Scottish monarch an annual tribute of three hundred and twenty marks.<sup>4</sup>

Instructed by the vicinity of such enterprising navigators, and aware of the importance of a naval force, our early sovereigns made every effort to attain it. Alexander the Second, who died on the expedition which he had undertaken against Angus of Argyll, had collected, if we may believe the author of the Chronicle of Man, a great fleet; and there is reason to

<sup>1</sup> M'Pherson's *Annals of Commerce*, vol. i. pp. 278, 279.

<sup>2</sup> *Torſei Orcades*, lib. ii. This happened in 1231.

<sup>3</sup> *Chron. Manniæ*, apud Johnstone, *Antiquitates Calto-Normanicæ*, p. 52. This happened in 1196.

<sup>4</sup> *Ayloff's Calendars of Ancient Charters*, p. 336.

think that, during his reign, as well as under that of his predecessor William, the navy of the country became an object of royal attention and encouragement.<sup>1</sup> In the year 1249, Hugh de Chastillon earl of St Paul, one of the richest and most powerful of the French barons, consented to accompany Lewis the Ninth to the crusade; and it is certain that the ship which was to have borne him and his vassals to the Holy Land was built, by his orders, at Inverness. It may be inferred from this fact, that the ship carpenters of Scotland had acquired a reputation at this period, which had made them celebrated even in foreign countries; and it furnishes, perhaps, another proof of those vast forests of oak and fir which at this period covered the greater part of the north of Scotland.<sup>2</sup>

In naval and commercial enterprise, as in all the other arts and employments which contributed to increase the comforts and the luxuries of life, the clergy appear to have led the way. They were the greatest shipowners in the country; and the Cartularies contain frequent exemptions from the duties generally levied on the merchantmen who imported foreign manufactures, which are granted to the ships of the bishops, abbots, and priors, who embarked the wealth of their religious houses in these profitable speculations. At this period the staple exports of Scotland seem to have been wool, skins, hides, and salted fish, in which there is evidence of a flourishing and constant trade.<sup>3</sup> For live stock also, embracing cattle, horses, and the indigenous sheep of the country, there seems to have been a frequent foreign demand; but the

<sup>1</sup> *Chronicon Mannie*, p. 36.

<sup>2</sup> *Mathew Paris*, p. 668. Ed. a Wats.

<sup>3</sup> *Rymer's Foedera*, vol. iii. p. 96. *Rymer, Coll. MS.* vol. ii. p. 287; in *M'Pherson's Annals of Commerce*, vol. i. p. 436.

woollen and linen manufactures were too coarse to compete with the finer stuffs of England, Flanders, and Italy, and were probably exclusively employed for the clothing of the lower classes. Still, there is ample proof that, limited as was this list of exports, the wealth of the country, even in those districts which were considered especially wild and savage, was considerable. Under William the Lion, Gilbert, the lord of Galloway, was able, from the resources of his own exchequer, to offer to pay to Henry the Second a yearly tribute of two thousand marks of silver, five hundred cows, and five hundred swine.<sup>1</sup>

From the account which has already been given of the wealth of the royal revenue under our early kings, and of the large sums of money expended on various public occasions by David, William, Alexander, and Malcolm the Fourth, we must infer a correspondent increase of wealth in the different classes of the kingdom, especially in the mercantile and trading part of the community; and it is not improbable that many of these sums were partly contributed by an aid which was levied from the different orders of the state, although, if we except a few instances, all records of such grants have been lost. On one memorable occasion, where William the Lion had engaged to pay to John of England fifteen thousand marks, we have seen that the burghs contributed six thousand, a sum equal to more than sixty thousand pounds of our present money;<sup>2</sup> and the large sums collected by the papal legates during the reign of Alexander the Second, evince no inconsiderable wealth at this period.<sup>3</sup> A poor country would not have attracted such frequent

<sup>1</sup> This was in 1174. Benedictus Abbas, *De vita Henrici II.* p. 83.

<sup>2</sup> Fordun a Goodal, vol. i. p. 529.

<sup>3</sup> Mathew Paris, *a Wata.* pp. 631, 422, 481, 500.

visits from those insatiable emissaries of the pope; and his holiness not only continued his demands under the reign of Alexander the Third,<sup>1</sup> but appears to have highly resented the ambition of Edward the First when it interfered with them. The mercantile wealth, and the general prosperity of the kingdom during the reign of Alexander the Third, have been already noticed; and the arrival of the Lombard merchants, with a proposal of establishing settlements in Scotland, is an event which itself speaks a decided progress in mercantile wealth and opulence. The repeated shipwrecks of merchantmen, and the loss of valuable cargoes, which are described as being far more frequent in this reign than before, were evidently occasioned by the increased spirit of commercial adventure. Voyages had become more distant; the various countries which were visited more numerous; the risks of loss by piracy, tempest, or arrestment in foreign ports, more frequent; and it is a circumstance worthy of note, that the king, in consequence of this, became alarmed, and published an edict, by which he forbade the exportation of any merchandise from his dominions. "This measure," observes an ancient historian, "was not carried into execution without difficulty; and a year had not expired, when the vessels of different nations, laden with merchandise, came into our ports, anxious to exchange their commodities for the productions of our country; upon which it was enacted that burgesses alone should be permitted to engage in traffic with these new comers." It is evident from all this, that the Scottish exports were in considerable demand in continental markets; and the short-sighted policy of Alexander, in suddenly stopping the trade which was thus carried

<sup>1</sup> *Fœdera*, vol. i. pp. 552, 553, 582, 608, 609. *Fordun a Goodal*, vol. ii. p. 122.



on, created a strong sensation, and occasioned an immediate resort of foreign vessels into the Scottish ports. Upon this occasion, the Lombards, in their proposals to erect factories in Scotland, intended, probably, to step into the lucrative trade which the Scottish merchants, in consequence of the new edict of the king, were no longer permitted to carry on.<sup>1</sup>

One of the most interesting subjects connected with the trade and early commerce of the kingdom, is the rise of the towns and royal burghs, and the peculiar circumstances which induced our kings to bestow so many privileges upon these early mercantile communities. It is evident that the Celtic inhabitants of the country were averse to settle or congregate in towns; and that, as long as Scotland continued under a purely Celtic government, the habits of the people opposed themselves to any thing like regular industry or improvement.<sup>2</sup> Even so late as the present day, the pacific pursuits of agriculture, the labours of the loom, or the higher branches of trade and commercial adventure, are uncongenial to the character of this unsettled, though brave and intrepid race; and the pages of contemporary and authentic historians bear ample testimony to the bitter spirit with which they resisted the course of civilisation, and the enlightened changes introduced by our early kings. So much, indeed, is this the case, that the progress of improvement is directly commensurate with the gradual pressing back of the Celtic population into the remoter northern districts, by the more industrious race of the Saxons and the Anglo-Normans.

<sup>1</sup> Fordun a Goodal, vol. ii. p. 130. The places where the Lombards proposed to make their settlements, were on the hill above Queensferry, or on one of the islands near Cramond.

<sup>2</sup> Fordun a Goodal, vol. i. p. 44.

In this inquiry, a description has already been given of the royal and baronial castles of Scotland in those remote periods, and of the clusters of hamlets which arose under their walls, inhabited by the retainers of the prince or the noble upon whose bounty they lived, and whose power protected them from molestation. To these small *villæ*, and to the security which they enjoyed from the vicinity of the castle, is to be traced the first appearance of towns in Scotland, as in the other countries of Europe. Nor were the rich religious houses less influential than the royal and baronial castles; for their proprietors, themselves the most opulent and enterprising class in the community, encouraged the industry of their numerous vassals, and delighted to see the houses and settlements of wealthy and enterprising artisans arising under the walls of their monastery.<sup>1</sup>

The motives for the care and protection extended to such infant villages and communities are easily discoverable, if we recollect the description already given of the condition of a great portion of the lower orders of the people, out of which class the manufacturers and traders arose. They were slaves; and their children, their wealth, and the profits of their industry, exclusively belonged to their lords; so that a settlement of wealthy manufacturers, or a community of successful and enterprising artisans, under the walls of a royal castle, or rich abbey, or within the territory of a feudal noble, was just so much money added to the revenue of the king, the baron, or the abbot.<sup>2</sup> As wealth increased with security and industry, the inhabitants of these communities began gradually to purchase their

<sup>1</sup> Houard, *Traité sur les Coutumes Anglo-Normandes*, vol. ii. pp. 361, 362. Du Cange, *Gloss. voce Communia*.

<sup>2</sup> *Cartulary of Kelso*, pp. 209, 221. *Ibid.* pp. 389, 408.

liberty from their lords,<sup>1</sup> and to form themselves into insulated associations, which, from their opulence, were able to bribe the sovereign to grant them peculiar privileges.<sup>2</sup> Into these bodies, freedom, and the feeling of property, soon infused an additional spirit of enterprise, and transformed their members from petty artisans into opulent merchants, whose transactions embraced, as we have seen, a respectable commercial intercourse with foreign countries.

It was soon discovered by the monarchs of Scotland that these opulent communities of merchants formed so many different points, from which civilisation and improvement gradually extended through the country; and the consequence of this discovery was, their transformation, by the favour of the sovereign, into chartered corporations of merchants, endowed with particular privileges, and living under the especial protection and superintendence of the king.<sup>3</sup>

In this manner, at a very early period, royal burghs arose in Scotland. The various steps of this progress were, in all probability, nearly the same as those which are pretty clearly seen in the diplomatic collections and ancient muniments of different European kingdoms, the hamlet growing into the village, the village into the petty town, and this last into the privileged and opulent burgh: and it is evident that our kings soon found that the rise of these mercantile communities,

<sup>1</sup> In the Appendix to Lye's Saxon and Gothic Dictionary, No. V. published by Mr Manning, we find a very early instance of this, entitled, "Testificatio Manumissionis Aelwigi Rufi." It is as follows: "Hic notificatur in hoc Christi libro. quod Aelfwig Rufus redemit seipsum de Aelfgo abbate, et toto conventu, cum una libra. Cujus est in testimonium totus conventus in Bathonia. Christus eum occæcet, qui hoc scriptum perverterit." Aelfigus was abbot between 1075 and 1087.

<sup>2</sup> Madox, History of the Exchequer, pp. 231, 275, 278, folio edition.

<sup>3</sup> Honard's Anciennes Loix des François, vol. i. p. 235.

which looked up to the crown for protection, and repaid it by their wealth and their loyalty, formed a useful check upon the arrogance and independence of the greater nobles.<sup>1</sup> It is probably on this account that the rise of the burghs was viewed with great jealousy in France; and that their introduction into that kingdom is described, by a contemporary author, "as an execrable invention, by which slaves were encouraged to become free, and to forget their allegiance to their master!"<sup>2</sup>

At an early period in our history, the superior intelligence, and the habits of industry of the English people, induced our kings to encourage the tradesmen and the merchants of this nation to settle in these infant towns and communities. This policy seems to have been carried so far, that, in 1173, under William the Lion, the towns and burghs of Scotland are spoken of, by an English historian, as almost exclusively peopled by his countrymen;<sup>3</sup> and so late as the time of Edward the First, when this king, previous to his decision of the question of the succession, made a progress through Scotland, and compelled the inhabitants to take the oath of homage, the proportion of English names in the Scottish burghs is very great.<sup>4</sup>

The earliest burghs which appear in Scotland cannot be traced to a remoter period than the reign of our first Alexander, under which monarch we find Edinburgh, Berwick, Roxburgh, and Stirling; to these, Inverkeithing, Perth and Aberdeen, Rutherglen and Inverness, were added in the course of years; and the policy of David the First, of William the Lion, and

<sup>1</sup> Fordun & Goodal, vol. i. p. 305.

<sup>2</sup> Ducange, Glossar. voce Communia.

<sup>3</sup> Gulielm. Neubrig. lib. ii. chap. xxxiv. p. 409.

<sup>4</sup> Prynne's Edward I. pp. 653, 663, inclusive.

of the monarchs who succeeded him, had increased the number of these opulent mercantile communities, till, in the reign of David the Second, we find them extending to seventeen. These royal burghs, and the lands which were annexed to them, were the exclusive property of the king, sometimes held in his own hands, and possessed in demesne, but more generally let out to farm. In this respect, the condition of the towns and burghs of England in the time of the Conqueror, as shown in Domesday Book, was nearly similar to the state in which we find them in Scotland, from the reign of Alexander the First to the accession of Robert the Second.<sup>1</sup> For the houses and factories possessed by the merchants, a certain rent was due to the exchequer; and previous to their appearance as a third estate in the great national council, the king appears to have had a right of calling upon his burghs to contribute aids or grants of money out of their coffers on any occasion of emergency.<sup>2</sup> The Cartularies are full, not only of grants, from successive kings to new settlers, of lands in their various burghs, with the right of building on them, and of *tofts* or small portions of pasture and arable ground, but of annuities payable out of the royal farms, and pensions from the census of their burghesses, which testify the exclusive property of the sovereign in these infant mercantile communities.<sup>3</sup>

From an early period, these communities enjoyed a right of determining, in a separate court of their own, all disputes which might arise amongst their mercantile subjects; and, in addition to this privilege, a right

<sup>1</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 297.

<sup>2</sup> Fordun a Goodal, vol. i. p. 529.

<sup>3</sup> *Cartulary of Kelso*, p. 1; *Cartulary of Inchcolm*, p. 19; *Cartulary of Scone*, pp. 41, 57. The Cartularies abound with examples of this.

of appeal lay from the decision of the individual court of the burgh, to a higher tribunal, which was denominated the Court of the Four Burghs, and which owes its institution to the wisdom of David the First. The burghs which composed it were the four oldest in the kingdom, Berwick, Roxburgh, Stirling, and Edinburgh; and it was the duty of the Chamberlain of Scotland to hold a court or ayre<sup>1</sup> once every year, at Haddington, to which the four burghs sent four commissioners, for the purpose of hearing and deciding upon the appeals brought before them.

It seems to be certain, that under David the First, a code of mercantile law was gradually formed, which owed its origin to the decisions of this court, assisted probably by the practical wisdom of the most enlightened merchants and traders. It was known by the name of the *Assisa Burgorum*, and, in an interpolated and imperfect state, has reached our own times. In the famous state paper of Edward the First, known by the title of an "*Ordinatio super stabilitate terræ Scotiæ*," and published in 1305, the laws which King David had enacted, are commanded to be read by the English guardian or lieutenant, in presence of the good people of the land; and in a charter which is granted by William the Lion to the burgh of Glasgow, in 1176, that monarch refers to the assizes of his burghs as an established code of law.<sup>2</sup> It is the judicious observation of Chalmers, that as Malcolm the Fourth

<sup>1</sup> Houard's *Anciennes Loix des François*, vol. i. p. 237. It is evident, from the description given by this learned writer, of the rights of the burghs under the Normans, that the Court of the Four Burghs was of Norman origin.

<sup>2</sup> Gibson's *History of Glasgow*, p. 301. Ayloffe's *Calendars of Ancient Charters*, p. 335. M'Pherson's *Annals of Commerce*, vol. i. p. 440. The *Lex Mercatoria* of Scotland is referred to by Edward the First, as an established and well-known code, in the *Rotuli Scotiæ*, p. 3. 10th Aug. 1291.

is known not to have been a legislator, these assizes must be ascribed to David; and this is confirmed by the ancient and respectable authority of Fordun.<sup>1</sup>

The policy of the sovereign, in the erection of these privileged communities, was gradually imitated by the religious houses, and more rarely by the greater barons, who granted exclusive privileges to the towns or villages upon their territories, and turned their wealth into channels of mercantile adventure, employing the burghers to trade for them, and furnishing them with capital. In this way Selkirk was indebted for its first passage from a village into a burgh to the Abbot of Kelso; St Andrews, Glasgow, and Brechin, to the bishops of these sees; Newburgh to the Abbot of Lindores. The town of Renfrew was expressly granted by David the First to Walter the son of Alan; Lauder was early the property of the ancient family of the Morvilles; and Lochmaben, in consequence of a grant by David the First, belonged to the ancestors of Bruce. The rents of the houses and of the lands of these burghs; the customs levied upon the ships which traded to such as were situated on the sea coast, or on navigable rivers; and in all probability certain proportions of the profits of the various tradesmen and guild-brethren who inhabited them, belonged to the spiritual or temporal lord upon whose lands they were erected, and whose favour and protection they enjoyed. If, in the various revolutions and changes of the times, his lands happened to escheat or be forfeited to the crown, the whole wealth which belonged to them, the granges, castles, manors, villages, and burghs, became the property of the sovereign; and in this way, in the course of years, many

<sup>1</sup> Fordun a Goodal, vol. i. p. 301; Cartulary of Glasgow, p. 73; Caledonia, pp. 726, 732.

baronial or ecclesiastical burghs were changed into royal ones.

Although, however, the rise of these trading communities was in the first instance eminently beneficial to Scotland, and, it cannot be doubted, contributed to give an extraordinary impulse to the industry of the people, yet as soon as this commercial and manufacturing spirit was once roused into activity, the principle of monopoly in trade, for which the burghs contended, by giving a check to competition, must have ultimately retarded the improvement of the country. In the meantime, however, under the severity of the feudal system, burghs were in their first introduction cities of freedom; their inhabitants were no longer in the degrading condition of slaves, who could be transferred, like cattle or common property, from one master to another; and we know, from the statutes of the burghs, that the same law prevailed in our own country as in England and France, by which a vassal or slave, if he escaped from his feudal superior, and was so fortunate as to purchase a house within a burgh, and live therein for a year and a day, without being claimed by his master, became a freeman for ever.<sup>1</sup>

One of the consequences of this law, was an increase in the trade and manufactures of Scotland. During the long period of foreign war, civil faction, and domestic feuds, which fills up the history of the country from the death of Alexander the Third to the settlement of the kingdom under Bruce, and after this, from the death of Bruce to the accession of Robert the Second,

<sup>1</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 307. *Leges Ed. et Will.* chaps. lxi. lxvi., in *Selden's Eadmer*, pp. 191, 193. *Laws of the Burghs*, chap. xvii. Houard, in his *Anciennes Loix des François*, vol. i. p. 238, says this privilege belonged only to royal burghs under the Normans.



the constant changes and convulsions in the state of private property, threw great multitudes of the lower classes of serfs and bondsmen loose upon society. These fugitives would naturally seek refuge in the cities and burghs belonging to the king; and bring with them an additional stock of enterprise and industry to the mercantile corporations, whose protection they enjoyed; in the course of years many of them must have risen to the state of freemen; and, in consequence of this increase in the number of free merchants and enterprising traders, the wealth of the kingdom, during the latter part of the reign of David the Second, became proportionally great. It unfortunately happened, that the excessive drain of specie, occasioned by the payment of the king's ransom, and the personal expenses of the monarch, with the large sums of money levied for the maintenance of ambassadors and commissioners, soon swallowed up the profits of trade, and reduced the kingdom to the very brink of bankruptcy.

At a remote period, under Malcolm the Fourth, the great mart of foreign commerce was Berwick. A contemporary English historian distinguishes it as a noble town; and as it possessed many ships, and enjoyed more foreign commerce than any other port in Scotland,<sup>1</sup> it shared the fate of all other opulent towns on the coast, in being exposed to the descents of the piratic fleets of the north. Erlin, a Norwegian, and Earl of Orkney, in 1156, carried off a ship belonging to a citizen of Berwick, whose name was Cnut the Opulent; and we learn from Torfaeus, who has preserved the story, that the merchant, incensed at the loss of his property, instantly hired and manned four-

<sup>1</sup> Gulielm. Neubrig. book v. chap. xxiii. Torfæi Orcades, book i. chap. xxxii. pp. 131, 132.

teen vessels, for which he paid one hundred marks of silver, and with these gave immediate chase to the pirates. Under succeeding sovereigns it increased in trade and opulence; till we find it, in the reign of Alexander the Third, enjoying a prosperity which threw every other Scottish port into the shade, and caused the contemporary author of the Chronicle of Lanercost to distinguish it by the name of a second Alexandria.<sup>1</sup> It enjoyed a lucrative export of wool, wool-fels, and hides, to Flanders; it was by the agency of the merchants of Berwick that the produce of Roxburgh, Jedburgh, and the adjacent country, in these same commodities, was shipped for foreign countries, or sold to the Flemish company established in that city; its export of salmon was very great; and the single fact, that its customs, under Alexander the Third, amounted to the sum of £2197, 8s. sterling, while the whole customs of England, in 1287, produced only £8411, 19s. 11½d., amply demonstrates its extraordinary wealth.<sup>2</sup>

At this period, the constitution of the towns and burghs in Scotland appears to have been nearly the same as in the sister country. Berwick was governed by a mayor, whose annual allowance for his charges of office was ten pounds, a sum equivalent to more than four hundred pounds of our present money.<sup>3</sup> Under this superior officer were four provosts, or *præpositi*. At the same period Perth, Stirling, Roxburgh, and Jedburgh, were each governed by an alderman, who appears to have been the chief magistrate; Glasgow by three provosts; Haddington by one officer

<sup>1</sup> *Supra*, vol. i. p. 112.

<sup>2</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 446, with MS. note by the author. Rymer, vol. ii. pp. 605, 613.

<sup>3</sup> *Rotuli Scotiæ*, 8 Edward III. m. 16.

under the same name; whilst the inferior burghs of Peebles and Montrose, of Linlithgow, Inverkeithing, and Elgin, were placed under the superintendence of one or more magistrates called bailies. These magistrates all appear as early as the year 1296,<sup>1</sup> and, it seems probable, were introduced into Scotland by David the First, whose enlightened partiality to English institutions has already been noticed in this history.

The comparative state of the trade and exports of the remaining burghs of the kingdom, at this early period, cannot be easily ascertained. Perth, which had become opulent and flourishing in the time of William the Lion, by whom it was erected into a royal burgh, increased in its wealth and consequence under Malcolm the Fourth, who made Scone, the neighbouring monastery, the principal seat of his kingdom. The resort of the court, and the increased demand for the articles of domestic manufacture and foreign commerce, gave a stimulus to the enterprise and industry of the infant burgh; and a contemporary poet, whose works have been preserved by Camden, characterizes Perth as one of the principal pillars of the opulence of the kingdom.<sup>2</sup>

These few and scattered, but authentic, facts, regarding our early commerce and manufactures, make it evident, that in such great branches of national wealth there is a discernible improvement, from the remote era of Malcolm the Third, to the period of the competition for the crown. Indeed, immediately before the commencement of the war of liberty, the

<sup>1</sup> Prynne's *Edward I.* pp. 653, 654. Rymer's *Collection of MSS.* vol. iii. No. 116; quoted by M'Pherson in *Annals of Commerce*, vol. i. p. 446.

<sup>2</sup> Necham apud Gough's *Camden's Brit.* vol. iii. p. 393.

commercial transactions of the country were of consequence enough to induce the merchants of St Omers, and partners of the Florentine houses of Pullici and Lambini to have correspondents in Scotland; and, about the same period, we find that Richard le Furbur, a trader of the inland town of Roxburgh, had sent factors or supercargoes to manage his business in foreign countries, and in various parts of Britain.

With regard to the exports of the country at this time, we find them composed of the same articles as those already described: wool, skins, hides, and wools; great quantities of fish, salted and cured;<sup>1</sup> horses, sheep, and cattle;<sup>2</sup> and, more rarely, pearls, falcons, and greyhounds. It is singular to find so precious an article as pearls amongst the subjects of Scottish trade; yet the fact rests on good authority. The Scottish pearls in the possession of Alexander the First were celebrated in distant countries for their extreme size and beauty; and, as early as the twelfth century, there is evidence of a foreign demand for this species of luxury.<sup>3</sup> As the commercial intercourse with the East increased, the rich oriental pearl, from its superior brilliancy and more perfect form, excluded the Scottish pearls from the jewel market; and by a statute of the Parisian goldsmiths, in the year 1355, we find it enacted, that no worker in gold or silver shall set any Scottish pearls with oriental ones, except in large ornaments or jewels for churches.<sup>4</sup> It is curious to find among the exports the *leporarii*, or

<sup>1</sup> Rotuli Scotiæ, vol. i. pp. 40, 911, 929, 941, 944.    <sup>2</sup> Ibid. p. 881.

<sup>3</sup> Nicolai Epist. in Angliæ Sacra, vol. ii. p. 236. "Præterea rogo et valde obsecro ut margaritas candidas quantum poteris mihi adquiras. Uniones etiam quascunque grossissimas acquirere potes. Saltem quatuor mihi adquiri per te magnopere postulo; si aliter non vales saltem a rege, qui in hac re omnium hominum ditissimus est, pro munere expete." M'Pherson's Annals of Commerce, vol. i. pp. 318, 555.

<sup>4</sup> Du Cange, Gloss. voce Perliæ.

greyhounds of the country, which were famous in France; for, in 1396, the Duke de Berri sent his valet and three attendants into Scotland on a commission to purchase dogs of this kind, as appears by the passport preserved in Rymer;<sup>1</sup> and, at an earlier period, under the reign of David the Second, Godfrey de Ross, an English baron, procured from Edward the Third a safe-conduct for his shield-bearer and two attendants, who were travelling from Scotland with dogs and falcons, and who purposed to return into the same country, under the express condition that they did not abuse their privilege, by carrying out of England either bows, arrows, arms, or gold or silver, in the form of bulk, plate, or money.<sup>2</sup>

Of the imports of Scotland at the same period, it is difficult to give any thing like an accurate or satisfactory account. Fine linen and silks; broad cloth, and a rich article called *sayes*, manufactured in Ireland from wool, and esteemed so beautiful as to be worn by the ladies of Florence;<sup>3</sup> carpets and tapestry; wine, oil of olives, and occasionally corn and barley;<sup>4</sup> spices and confectionary of all kinds; drugs and electuaries; arms, armour, and cutlery; were the chief commodities: and it has already been observed, that many articles of Asiatic luxury and magnificence had reached our country, by means of a constant communication with the Flemish and Italian merchants. In 1333, we know, from an authentic instrument, preserved in the *Fœdera*, that the Scottish merchants were in the custom of importing, from the county of Suffolk, vases of gold and silver into Scotland, besides silver in bars

<sup>1</sup> Rymer's *Fœdera*, vol. vii. p. 831.

<sup>2</sup> *Rotuli Scotiæ*, vol. i. p. 891.

<sup>3</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 562.

<sup>4</sup> *Rotuli Scotiæ*, vol. i. p. 891.

and in money;<sup>1</sup> a proof that the silver mine which David the First worked, at an early period, in Cumberland, and the gold of Fife, to which the same monarch alludes in the Cartulary of Dunfermline, had neither of them turned to much account.<sup>2</sup>

Under the reign of Bruce, and during the long war with England, every possible effort was made by Edward the First and his successor to crush and extinguish the foreign trade of Scotland; but the success does not appear to have been in any degree proportionate to their exertions. All English or Irish merchants were prohibited, under the severest penalties, from engaging in any transactions with that country; and repeated requests were addressed to the rich republics of the Low Countries, to the courts of Flanders, and the Dukes of Brabant, to induce them to break off all traffic with the Scots;<sup>3</sup> but the exertions of contraband traders and privateer vessels eluded the strictness of the prohibitions against the English and Irish trade;<sup>4</sup> and the Flemings and Brabanters steadily refused to shut their ports against any nation which could pay for their commodities. In 1315, a fleet of thirteen ships or galleys belonging to the Scots, and other "*malefactors*" who adhered to them, was at anchor in the port of Sluys in Flanders, waiting to be laden with arms, victuals, and other goods, which they intended to export from that country into Scotland, when Edward the Second, as the public order relative to the circumstance informs us, adopted vigorous, but apparently unsuccessful, measures for intercepting

<sup>1</sup> Rymer's *Fœdera*, vol. iv. p. 575.

<sup>2</sup> Johan. Hagulstad. p. 280. Cart. of Dunferm. folio 7; quoted in Dalzel's *Tract on Monastic Antiquities*, p. 30.

<sup>3</sup> *Rotuli Scotiæ*, vol. i. p. 136. 1st April, 1314. Ibid. 140. Rymer, vol. iv. p. 715.

<sup>4</sup> *Rotuli Scotiæ*, vol. i. pp. 491, 525.

them.<sup>1</sup> To Bruce, whose life was spent in almost uninterrupted war, the great articles of demand were those which he could use for his soldiers and knights: arms of all kinds, helmets, cuirasses, chamfreyns, and horse armour, swords and daggers, bows of English yew, spear shafts, and lances, formed the staple cargoes of the Flemish merchantmen which traded to his dominions; but, on the other hand, the export trade of the country, which had been principally carried on through England and Ireland, although not extinguished, experienced a material depression. But although some branches of national wealth were rendered less productive, other sources were opened peculiar to war. The immense plunder taken at Bannockburn; the large sums of money paid by the English nobles and barons for their ransom; the subsequent plunder in the repeated invasions of England; and the frequent and heavy sums which were subscribed by the border counties, to induce the Scottish leaders to spare their towns and villages, enriched the kingdom, and provided a mass of capital which is distinctly perceptible in the increased commercial speculation of the subsequent reign, and in the spirited and successful efforts made by the nation in fitting out a navy.

Previous to the accession of David the Second, we have already seen that little traces of a regular naval force exist in Scotland; and although the fleets of William the Lion, and that of his successor Alexander the Second, are commemorated in the Chronicle of Man, it seems probable that these naval armaments were furnished by the island vassals who owned the superiority of the Scottish crown, and who held their

<sup>1</sup> This instrument is one of the deeds added by the editors of the new edition of the *Fœdera Angliæ*, vol. ii. part i. p. 265. The original is in the Tower.

lands by the tenure of furnishing a certain number of galleys for the use of the king.<sup>1</sup> The maritime exploits of these kings were temporary and insulated; and the same observation applies to the naval expeditions of their successors. It appears, indeed, from a passage in the Chamberlain Rolls of Alexander the Third, that, in 1263, this monarch was in possession of several vessels, which, under the direction of the Earl of Menteith, were built in the port of Ayr, and that two hundred oars were manufactured for their use;<sup>2</sup> but it is evident, from Alexander declining any naval contest with the king of Norway, that his fleet could neither have been numerous nor powerful.

The reign of Bruce being principally occupied with a land war, his efforts for distressing his enemy by sea, were mostly confined to the commissioning piratic ships from the Flemings and Genoese, which cruised upon the English coasts, and, in the double capacity of traders and ships of war, landed their cargoes in Scotland and attacked the English merchantmen and victuallers. Yet there is evidence in that interesting portion of the Chamberlain Accounts which relate to the expenditure of Bruce at his palace of Cardross, the year before his death, that he and his old companion in arms, the great Randolph, were anxiously directing their attention to the subject of shipping and navigation.

But the navy assumes a different and more formidable appearance under the reign of David Bruce. The Scottish ships of war, along with numerous squadrons of foreign privateers, in the pay of the Scots, swept the seas round England, plundered their merchant vessels, and made repeated and successful descents upon the coast, burning and destroying the seaport towns,

<sup>1</sup> Fordun & Goodal, vol. ii. p. 101. Robertson's Index, p. 100.

<sup>2</sup> Excerpta ex Rotulo Compotorum Temp. Alexander III. p. 10.



and creating extreme alarm in the country. In 1334, a fleet of Scottish ships of war threatened a descent on the coast of Suffolk; in the subsequent year, twenty-six galleys and other ships were hovering and watching their opportunity for attack off the coasts of Chester and Durham; and not long after this, notwithstanding the utmost exertions by the English government to fit out a fleet which should put an end to the naval aggressions of the Scots, and precautions taken to spread the alarm in case of any hostile descents, by lighting beacons upon the cliffs above the sea; the towns of Portsmouth, Fodynton, Portsea, and Easten, were burnt and plundered, and the country threatened with invasion by a numerous fleet of foreign ships and galleys, whose approach is described by Edward the Second in an order addressed to the sheriffs of England, and evidently written under extreme apprehension.<sup>1</sup> Yet the probability is, that none of these vessels were the property of the king, but merchant ships of Scottish and foreign traders fitted up for the expedition as ships of war, and commissioned, like the mercenary troops of Hainault or Switzerland, to assist whatever country chose to pay them the highest price for their services.

At this period, the same mode of fitting out a fleet of ships of war was adopted in both countries. There appears to have been no regular permanent naval force of any consequence maintained in either.<sup>2</sup> In England, as the emergency of the moment required, the monarch was in the habit of directing his writs to the wardens of the Cinque Ports, and to the magistrates of the different seaports, empowering them to press into

<sup>1</sup> *Rotuli Scotie*, vol. i. pp. 299, 317. *Ibid.* pp. 320, 363, 440. *Rymer's Fœdera*, new edit. vol. ii. part ii. pp. 1055, 1067.

<sup>2</sup> *M'Pherson's Annals of Commerce*, vol. i. p. 378.

the service, and instantly arm and victual any number of vessels he deemed necessary, and to commission such merchantmen as were fond of the adventure, to fit out their traders as *naves guerrinæ*, or ships of war,<sup>1</sup> with the right of attacking the enemies of the king, under the condition of giving up half the profits in the event of a successful capture.<sup>2</sup> We may form some idea of the size and strength of these vessels from an order issued by Edward the Third, during his Scottish war, to the Mayor of Bristol, in which this magistrate is commanded to arrest three of the largest ships then in the port of that city. These are described to be two of a hundred tons, and one of sixty tons burden, on board of which a hundred and thirty-two men are instantly to be put for the king's service, which force is mentioned in the order as being double the ordinary complement of mariners and soldiers.<sup>3</sup> Many of the privateers, however, which were at this time employed by the Scots against England, appear to have been vessels of larger dimensions and more formidable equipment than those of England, probably from their being foreign built, and furnished by the Flemings, the Genoese or the Venetians, for the purposes both of trade and piracy. In 1335, a large foreign ship, laden with arms, provisions, and warlike stores, arrived in the port of Dunbarton; and, for the purpose of intercepting her, Edward not only ordered two of the largest merchantmen of Bristol to be manned and provisioned as ships of war, but commanded Roger de Hegham,

<sup>1</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 430.

<sup>2</sup> "Galfridas Pypere Magister navis que vocatur le Heyte habet licentiam gravandi inimicos Regis ita quod de medietate lucri Regi respondet." Teste R. apud Burdegalliam, xiii. Feb. 28. Henry III. m. 16. Rotuli Pat. MS. note by M'Pherson, in his own copy of the *Annals of Commerce*, vol. i. p. 394.

<sup>3</sup> Rotuli Scotiæ, vol. i. p. 231. 24th April, 1333.

his admiral of the western fleet, to fit out two other vessels, with a double complement of men, to be employed apparently on the same service.<sup>1</sup>

In 1357, three Scottish ships of war, manned with three hundred soldiers, infested the east coast, and grievously annoyed the English commerce. This large complement of soldiers must have been exclusive of the sailors employed to navigate the ships, and proves them to have been of large dimensions, when compared with the ordinary vessels of the time.<sup>2</sup> In the same year, we have seen that the Scottish privateers captured a vessel called the Beaumondscogge, which was the property of that powerful baron, Henry de Beaumont, who, along with Baliol and the rest of the disinherited nobles, succeeded in driving David the Second from the throne; and soon after, the united fleets of the Scots and their allies increased in numbers and audacity to such a degree, that the English coasts were kept in a state of continual terror. The merchantmen did not dare to sail except in great squadrons, and with a convoy of ships of war; and even when riding at anchor within the harbours, were cut out and carried off by the superior naval skill and courage of the Scottish seamen, and their allies.<sup>3</sup> In a remarkable order, addressed by Edward the Third to his admirals and naval captains, this monarch complains in bitter terms of their pusillanimous conduct, in permitting the united fleets of the Scots, French, and Flemings, to capture and destroy the ships of England in the very sight of his own navy, which kept aloof during the action, and did not dare to give battle.<sup>4</sup>

<sup>1</sup> Rotuli Scotiæ, vol. i. p. 340.

<sup>2</sup> Knighton, p. 2617.

<sup>3</sup> Rotuli Scotiæ, pp. 451, 456, 467, 477.

<sup>4</sup> Ibid. vol. i. p. 513. Ibid. 498.

Such appears to have been the great superiority of the Scottish navy over that of England in the beginning of the reign of David the Second. Meanwhile, the long and inveterate war between the two countries, which arose out of the aggressions of Edward the First, entirely extinguished the regular Scottish commerce with that country. From the year 1291 to 1348, there appear only three safe-conducts for English merchants, permitting them to trade with Scotland; and those repeated proclamations which were made against any commercial intercourse, seem to have been so rigorously executed, that in this long interval, embracing more than half a century, we do not find a single passport for a Scottish merchant, allowing him to visit England for the purposes of trade.

In 1348, the Scots being included in the truce of Calais, the commerce of England, for the first time since the long war, was thrown open to their skill and enterprise; and in a few years, the mercantile intercourse between the two countries rapidly increased. At the request of the Queen of Scotland, important privileges were granted to the Scottish merchants. The Scottish nobles possessed companies of merchants, who speculated on their account, and under their protection;<sup>1</sup> and we have seen that, instead of the rigid and determined exclusion from all trade with their dominions, which, for so long a time, formed part of the policy of the three Edwards to their Scottish enemies,<sup>2</sup> a system of great liberality and indulgence was pursued, under which the commerce of both countries was carried on with a surprising degree of energy and enterprise.

<sup>1</sup> *Rotuli Scotiæ*, vol. i. pp. 758, 823. *Salvus conductus pro mercatoribus Willielmi de Douglas.*

<sup>2</sup> *Rotuli Scotiæ*, vol. i. p. 140.

The large sums of money which were drawn from the country for the ransom of the king; the expenses incurred by the residence and ransom of the noble prisoners taken in the battle of Durham; and the reiterated and heavy payments which were made during the various and protracted negotiations with England, exhibit, in a striking manner, the increasing opulence of the country; and it cannot be doubted, that one great source of this wealth is to be traced to the improved state of the national commerce, and to the increasing wealth of the traders and manufacturers. I shall conclude this sketch of the early commerce and navigation of Scotland, by a few remarks upon the money of those times, and upon the wages of labour and the prices of the necessaries of life.

All the Scottish coins which have yet been discovered, previous to the reign of Robert the Second, are of silver; and this fact of itself furnishes, if not absolute proof, at least a strong presumption, that anterior to this period there was no gold coinage in Scotland.<sup>1</sup> Of this early silver money the most ancient specimens yet found are the pennies of Alexander the First, who succeeded to the throne in the commencement of the twelfth century; after which we can trace a regular coinage of silver pennies under the reigns of David the First, William the Lion, and the successive sovereigns who filled the throne, with the exception of Malcolm the Fourth, whose money, if in existence, has hitherto eluded the utmost research of the Scottish antiquary. The silver pennies of

<sup>1</sup> In a Parliament held at Scone by David the Second, in 1369, there is mention of gold money. Robertson's Parliamentary Records, p. 117. But the gold money of England was then current in Scotland, and the enactment may refer to it. Ruddiman's excellent Introduction to Anderson's Diplomata, pp. 54, 55.

Alexander the First, now extremely rare, are of the same fineness, weight, and form, as the contemporary English coins of the same denomination ; and down to the time of Robert the First, the money of Scotland was of precisely the same value and standard as that of England.

Towards the conclusion of the reign of William the Lion, that monarch reformed the money, which had been somewhat debased from its former standard ;<sup>1</sup> perhaps in consequence of an attempt to supply in this way the large sums which this monarch paid to Richard the First.<sup>2</sup> During the succeeding reign, the standard value and the device continued the same as under William ; but almost immediately after the accession of Alexander the Third, the ministry of this infant sovereign borrowed from England what was deemed an improvement in the mode of stamping the reverse. The history of this alteration is curious. It appears that, in 1248, the sterling money of England had been defaced, by clipping, to such a degree, that the letters of the inscription were almost entirely cut away, and the delinquents were suspected to be the Jews, the Causini, and the Flemish wool merchants.<sup>3</sup> At a meeting of the king's council, which was summoned to advise what steps ought to be taken, some of the members recommended that, in imitation of the money of France, the quality of the silver in the English money ought to be debased, under the idea, that the temptation to make profit by clipping would thus effectually be removed. Fortunately this advice, which marks a rude age, and a limited knowledge on the subject, was not adopted ; but proclamation was made

<sup>1</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 356.

<sup>2</sup> Winton's *Chron.* vol. i. p. 342. *Chron. Melross*, p. 102.

<sup>3</sup> Mathew Paris a Wats. p. 639.

that all the defaced coin should be brought into the king's exchanges, and that a new coinage should be struck, out of which those who brought in the clipped money were to be paid weight for weight. On the old coins, the cross upon the reverse side had only reached half way from the centre to the edge, in consequence of which an expert clipper might have pared away a considerable breadth, without much chance of detection; but now the expedient was adopted of carrying the arms of the cross through the letters of the legend, and a border of small beads was added round the outer extremity; so that the money could not be clipped without at least a greater chance of discovery.<sup>1</sup> The immediate adoption of this clumsy expedient in Scotland was probably occasioned by the same abuse of clipping having been practised in that country.<sup>2</sup>

In Scotland, the very first sensible diminution of the purity of the standard money was introduced by Robert Bruce; but the exact date of the depreciation is unknown. Like the other alterations in the coinage, it was adopted in imitation of England; and proceeded upon the unjust and erroneous idea, that the wealth of the kingdom might be increased by multiplying the number of pennies coined out of the pound of silver. In 1300, Edward the First commanded two hundred and forty-three pennies to be coined out of the standard pound, instead of two hundred and forty, which was the old rate.<sup>3</sup> A diminution of three

<sup>1</sup> "Ut non sine evidenti, et valde notabili dispendio, aliquid inde radi possit vel abscindi." *Annales Waverleenses*, p. 207.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 83. The same monarch, Alexander the Third, appears to have coined silver pieces of two pennies. M'Pherson's *Annals of Commerce*, vol. i. p. 432.

<sup>3</sup> Topham's *Observations on the Wardrobe Account of Edward the First*, p. 11. "The pound weight of silver then (31 Ed. I.) consisted of twelve ounces, each containing twenty pennyweights, or of two

pennies in the value of the pound of account was deemed, perhaps, too trifling and imperceptible a change to be in any way detrimental; and the Scottish monarch not only followed, but went beyond the pernicious example of England; for, under the expectation that the pennies of both kingdoms would, as before, continue to pass indiscriminately, he coined two hundred and fifty-two pennies from the pound weight of silver; an impolitic departure from the integrity of the national money, which had hitherto been strictly observed by the government of the country.<sup>1</sup>

From this time till 1354 there appears to have been no change in the money of Scotland, which, according to a proclamation of Edward the Third, was received as of the same weight and alloy as the money of England.<sup>2</sup> This monarch, however, finding himself much distressed by the debts which he had incurred in his French war, unfortunately relieved himself by repeating the expedient which he had already partially adopted, although as dishonest as it was injurious to the best interests of his kingdom. In order to pay his creditors with less money than he had borrowed, he commanded two hundred and sixty-six pennies to be made out of the pound of standard silver; and afterwards, in the year 1346, he diminished the money still farther, by making two hundred and seventy pennies out of the pound: a proceeding by which the people were greatly distressed, owing to the consequent rise in the prices of all the necessaries of life.

hundred and forty pennies. These pennies were composed of mixed silver; one pound, or twelve ounces, of which contained eleven ounces and two pennyweights of fine silver, and eighteen pennyweights of copper or alloy."

<sup>1</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 466. Folkes on *English Coins*, pp. 8, 142. Edition 1763.

<sup>2</sup> Rymer's *Fœdera*, vol. v. p. 813.



In 1354, the Steward, who was now regent in Scotland during the captivity of David, imitating this mistaken policy, issued a new coinage, which was not only far below the original standard in value, but even inferior to the money of England, depreciated as it then was. We are informed of this fact by a proclamation which the issue of this new money of Scotland drew from Edward the Third. In a letter to the Sheriff of Northumberland, the king informs him, that the new money of Scotland, although of the same figure with the old, was not, like it, of the same weight and quality with the sterling money of England; and he accordingly commands that officer to make proclamation within his district, that the new Scottish money should be taken only for its value as bullion, and carried to the proper office, to be exchanged for current money; but that the old money of Scotland, which, as appears from what was above stated, was considerably better than that of England, should be still current as before.<sup>1</sup>

Soon after the return of David the Second to his dominions, he appointed Adam Torre, a burgess of Edinburgh, and James Mulekin of Florence, joint keepers of the exchange for all Scotland, and masters of the mint. Foreigners appear to have been the great coiners or minters of those times. At an earlier period, in 1278, the exchange at London was under the direction of some Lucca merchants, and Gregory de Rokesley the mayor.<sup>2</sup> In 1366, the Scottish parliament had ordered the money of the kingdom to be coined of the quality and weight with that of

<sup>1</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 554. Rymer's *Fœdera*, vol. v. p. 813. "Supra nova moneta Scotiæ."

<sup>2</sup> Madox's *Hist. of Exchequer*, chap. xxii. § 4, chap. xxiii. § 1. *Computum Custodis Monete*, vol. i. *Accounts of the Great Chamberlains of Scotland*, pp. 401, 402.

England ;<sup>1</sup> but, in the subsequent year, the extreme scarcity of silver money, occasioned by the drain of specie from the country for the king's ransom, and other expenses, created an alarm, which unfortunately caused the parliament to relapse into the erroneous notion, that the wealth of the kingdom might be increased by diminishing the intrinsic value, and increasing the number of the pieces coined. This produced an order, by which it was declared, that the standard pound of silver should be diminished in the weight by ten pennies ; so that henceforth the pound of silver should contain twenty-nine shillings and four pennies ; out of which seven pennies were to be taken for the king's use.

To understand this order, it must be remembered that the only coins which had yet been struck, either in England or Scotland, were pennies, with their halves and quarters, along with a few groats and half groats ; so that when the parliament enacted that the pound of silver should contain twenty-nine shillings and four pennies, it was saying, in other words, that it was to be coined into three hundred and fifty-two pennies ; an enormous departure from the integrity of the old standard of two hundred and forty pennies in the pound. In the same ordinance it is provided, that eleven pennies are to be taken for the master of the mint and the payment of the workmen, and one penny for the keeper of the mint. If to these we add the seven pennies for the king's use, twenty-seven shillings and nine pennies would remain to the merchant for the pound of silver ;<sup>2</sup> so that, by this change in the coinage, the king practised an extensive and grievous fraud upon his subjects.

<sup>1</sup> Robertson's Parliamentary Records, p. 104.

<sup>2</sup> Ibid. p. 109.

It is curious to attend for a moment to the consequences of this depreciation of the money of the country. They are distinctly to be traced in a statute soon after passed by Edward the Third.<sup>1</sup> There was, in the first place, a rise in the prices of all the necessaries of life; so that the labouring classes, being paid at the same rate as before, found that they could not procure the same subsistence. This they patiently bore for some time; but when the immense mortality occasioned by the pestilence had diminished the number of working men, and thus created a great demand for labour, the survivors naturally seized the opportunity to raise their prices; and, in consequence of this, the king, with the advice of his parliament, enacted the Statute of Labourers, "by which all men and women under sixty years of age, whether free or slaves, and having no occupation or property, were compelled to serve any master who hired them, for the same wages which were given before the year 1346, under pain of imprisonment." Artificers were, at the same time, prohibited from exacting more than the old wages; and the butchers, bakers, brewers, and other dealers in provisions, were strictly enjoined to sell their commodities at reasonable prices.

The legislators of those remote times had not yet learned that the price of food must be the standard for the price of labour; and that by depreciating the coin of the kingdom, they raised the prices of the necessaries of life, and compelled the labouring classes to adopt the very conduct of which they complained. There can be no doubt that the consequences of the depreciation in Scotland must have been the same as in the sister country; and the sumptuary laws, which

<sup>1</sup> Stat. 23 Ed. III. M'Pherson's Annals of Commerce, vol. i. p. 542.

we find enacted towards the conclusion of the reign of David the Second, with the statutes regarding carrying the coin "furth of the realm," are to be traced to the same causes as those which led to the statute of labourers in England.<sup>1</sup>

The price of labour, of the necessities of life, and of the articles of comfort or luxury, forms at all times an interesting subject of inquiry, probably from that strong and natural desire which we feel to compare our own condition with that of our fellow-men, however remote may have been the period in which they lived. Upon such points, however, previous to the transcription and printing of the Accounts of the Great Chamberlains of Scotland, little satisfactory information could be collected; for our most ancient historians, although they occasionally mark the prices of provisions and of labour, commonly do so in years of scarcity, when the high rate to which they had risen fixed their attention upon the subject; and upon such data no correct inquiry could be founded.<sup>2</sup> These Accounts, on the contrary, as they contain the ordinary and common prices of most articles, are on this, as on all other points which they embrace, our most authentic guides.

It will be recollected that the value and the denomination of money, down to the reign of Robert the First, continued the same in Scotland and in England; and that, even under Edward the Third, the depreciation of the Scottish money could not be very great, as it required a royal proclamation to put the people on their guard against it.<sup>3</sup>

<sup>1</sup> Statuta Davidis II. Regiam Majestatem, pp. 45, 46. Robertson's Parliamentary Records, pp. 106, 117.

<sup>2</sup> Preface to Fleetwood's Chronicon Preciosum.

<sup>3</sup> Madox's History of the Exchequer, vol. i. p. 277. 4th edition. The pound of silver by tale was twenty shillings; the mark of silver 13s. 4d. or 160 pennies.

To begin with the price of grain, we find that, in 1263, a chalder of oatmeal, fourteen bolls being computed for a chalder, cost exactly one pound.<sup>1</sup> In the same year, six chalders of wheat were bought for nine pounds three shillings.<sup>2</sup> The prices, however, varied occasionally, as we might expect. In 1264, twenty chalders of barley sold for ten pounds, although, in 1288, the price had fallen so low, that we find forty chalders sold for six pounds thirteen shillings and four pence, being at the rate of forty pence the chalder.<sup>3</sup> In 1288, twelve chalders of wheat brought twelve marks, or thirteen shillings and four pence the chalder.<sup>4</sup> In 1290, a chalder of barley sold for ten shillings, and a chalder of rye for four shillings;<sup>5</sup> while, in 1329, we find the prices of the same grain fluctuating from twenty to twenty-four shillings the chalder for the best barley.<sup>6</sup> In 1326, four chalders of oatmeal cost a hundred and six shillings and eight pence, being at the rate of twenty pence the boll; whilst, of the same date, the same kind of grain, but probably of a superior quality, sold for two shillings the boll.<sup>7</sup> In 1360, a chalder of barley cost thirteen shillings and four pence, and five chalders of wheat brought eight pounds; whilst, five years after this, four chalders and eleven bolls of fine wheat could not be had under twelve pounds sixteen shillings.<sup>8</sup> About the same time, twenty-nine barrels of beer, purchased for the king's household, cost eleven pounds nine shillings, and fifty-five barrels of herring twenty-nine pounds nineteen shillings.<sup>9</sup>

<sup>1</sup> Chamberlain Accounts, p. 9. Temp. Regis Alexander III. p. 66.

<sup>2</sup> Ibid. p. 9.

<sup>3</sup> Ibid. p. 66.

<sup>4</sup> Ibid. p. 69.

<sup>5</sup> Ibid. p. 77.

<sup>6</sup> Ibid. vol. i. p. 37.

<sup>7</sup> Ibid. Compotum Constab. de Tarbat, vol. i. p. 2.

<sup>8</sup> Ibid. Compot. Clerici libationis, vol. i. p. 445.

<sup>9</sup> Ibid. Compot. Clerici libationis, p. 445. In 1328, we find 1800 herring sold for twenty-eight shillings. Ibid. p. 28. In 1288, 100 eels brought three shillings, p. 69.

As far back as 1263, we find that the price of a cow was four shillings and five pence;<sup>1</sup> and that thirty *muttons* were purchased for the king's table, at the rate of twenty-five shillings, averaging exactly ten pence a-piece.<sup>2</sup> In the following year, forty cows were sold for ten pounds, the price of each being five shillings; whilst thirty-eight swine brought fifty-seven shillings, being no more than eighteen pence each; and, in 1288, twelve swine sold as low as a shilling a-head.<sup>3</sup> In 1368, two oxen sold for thirteen shillings and four pence, being six shillings and eight pence a-head. In the concluding passage of the Chamberlain Accounts, seven score hens are sold for eleven shillings and eight pence, exactly a penny each; and a tonegall of cheese, measuring six stones, sold for three shillings.<sup>4</sup>

The common fuel of those times, consisting of peats and wood, was to be had at a moderate rate. In 1288, two hundred and five horse-loads of firewood, for the royal palace at Stirling, cost only thirty-six shillings and sixpence. Eight wagon-loads of peats, including the carriage and some small expenses, cost thirteen pounds seventeen shillings and five pence.<sup>5</sup> Although coals were undoubtedly worked in Scotland as early as 1291, perhaps even anterior to this, yet we find them rarely mentioned previous to the reign of David the Second. Under this monarch, eighty-four challders of coal being purchased for the use of the queen's household, cost twenty-six pounds.<sup>6</sup> Salt appears to

<sup>1</sup> Chamberlain Accounts, Rotuli Compot. Temp. Regis Alex. III. p. 14. To twenty-four cows, 108 shillings.

<sup>2</sup> Ibid. p. 15.

<sup>3</sup> Ibid. Temp. Custod. Regni, p. 56. Ibid. p. 77.

<sup>4</sup> Ibid. pp. 77, 78. "Et sciendum est quod quilibet tonegall valet 6 petras."

<sup>5</sup> Ibid. p. 61.

<sup>6</sup> Chalmers's Caledonia, vol. i. p. 793. Chamberlain Accounts, p. 495.

have been one of those necessities of life which varied considerably in its price. In 1288, twelve chalders of salt were sold for six shillings the chalder; whilst, in 1360, ten chalders could not be purchased under thirteen pounds six shillings and eight pence.<sup>1</sup>

In comparing the wages of labour with the above prices of provisions, it is evident that, even in the most remote period which these researches have embraced, the lower orders must have lived comfortably. In the Chamberlain's Rolls of Alexander the Third, the keeper of the king's warren at Craill receives, for his meat and his wages during one year, sixteen shillings and eight pence; and as this was deemed too high, it is added, that, for the coming year, he is to have his option to take either a mark, which was thirteen shillings and four pence, or a chalder of oatmeal.<sup>2</sup> The gardener of the king at Forfar had, for his yearly wages, five marks; the gardener at Menmouth only one mark;<sup>3</sup> and William, the king's cook and keeper of the royal larder, was paid, for his arrears of three years' wages, ten pounds.<sup>4</sup> The king's balistarius, or keeper of the cross-bows for the castle of Ayr, received yearly two marks and a half;<sup>5</sup> whilst the warder of the same castle, for his yearly wages and support, cost the exchequer eight shillings.<sup>6</sup>

When Alexander the Third was making preparations against the expected invasion of the King of Norway, in 1263, in order to secure the allegiance of the petty princes who held the Western Isles, he seized their children as hostages for their peaceable behaviour. These, of course, he had to support; and

<sup>1</sup> Chamberlain Accounts, pp. 69, 392.

<sup>2</sup> Ibid. *Excerpta ex Rotulo Temp. Alex. III.* p. 7.

<sup>3</sup> Ibid. p. 13.

<sup>4</sup> Ibid. p. 1.

<sup>5</sup> Ibid. p. 9.

<sup>6</sup> Ibid.

this explains an entry in the Chamberlains' Rolls, from which we may form some idea of the rate of living. For the expenses of the son of Angus, who was the son of Donald, with his nurse and a waiting woman, for twenty-six weeks, the king paid seventy-nine shillings and ten pence.<sup>1</sup> The expenses of another of these hostages, the son of Murchad, amounted to twenty-one shillings for twenty-four weeks; and we find, that in speaking of twenty-two hostages from Caithness and Skye, the first was allowed for his living a penny, and the second three-halfpence a-day.<sup>2</sup>

At the time of this expected invasion, Alexander possessed no regular navy; but a few ships of war appear to have been stationed in the port at Ayr; such, however, was the unsettled state of the country, that these vessels had to be watched, probably only during the night; and we find an entry in the same Accounts of sixteen shillings and nine pence, to four men who had been employed watching the king's ships for twenty-three weeks.<sup>3</sup> In 1326, the fortifications of the castle of Tarbet having become insecure in some places, Robert the mason was employed to repair and strengthen the walls. This he did by contract; and as the quantity of work which was executed does not appear, no exact inference can be drawn from the sum paid, which amounted to two hundred and eighty-two pounds fifteen shillings.<sup>4</sup> But in this work two labourers were employed in carrying lime from Thorall to Tarbet, for twenty-nine weeks and three days, and received four shillings a-week for their wages,<sup>5</sup> being six pence and a fraction for each day. Days' wages, however, sometimes fell still lower: five barrowmen,

<sup>1</sup> Excerpta ex Rotulo Temp. Alex. III. p. 9.

<sup>2</sup> Ibid. pp. 14, 22.

<sup>4</sup> Compotum Constab. de Tarbart, vol. i. p. 3.

<sup>3</sup> Ibid. p. 9.

<sup>5</sup> Ibid. p. 3.



or carriers, for three weeks' work, received each only three shillings and four pence ; and for apparently the same repairs of Tarbet castle, seven labourers or barrowmen were engaged for thirty-two weeks at the rate of fourteen pence a-week each.<sup>1</sup>

Higher craftsmen, of course, received higher wages. John the carpenter was engaged for thirty-two weeks at three pence a day, with his meat, which was each month a boll of oatmeal and one *codra* of cheese, the boll being reckoned at two shillings, and the *codra* of cheese at seven pence.<sup>2</sup> Nigel the smith had twelve pounds, and Nicolas the mason six pounds thirteen shillings and four pence, for his yearly wages.<sup>3</sup> The cooks who exercised their mystery at the nuptial feast given on the marriage of David the Second at Berwick, received, on that occasion, twenty-five pounds six shillings and eight pence.<sup>4</sup> To the minstrels who attended the ceremony, and we must remember that the rejoicings continued probably for many days, there was given sixty-six pounds fifteen shillings and four pence.<sup>5</sup> John, the apothecary of King Robert Bruce, received for his salary eighteen pounds, and for his robe, a perquisite which we find given to many of the king's servants and officers, the sum of twenty-six shillings and eight pence.<sup>6</sup> It is somewhat singular that, many years after this, in 1364, Thomas Hall, the physician of David the Second, received only ten marks for his salary.<sup>7</sup> In 1358, however, Hector the doctor received at once from the king a fee of five pounds six shillings and eight pence, so that it is difficult to ascertain exactly the rate of the fees or

<sup>1</sup> *Computum Constab. de Tarbart*, vol. i. p. 4.

<sup>2</sup> *Ibid.* p. 5. In pp. 77, 78, we find a *tonegall* of cheese, which is there stated to be equal to six stones, sold for three shillings.

<sup>3</sup> *Ibid.* p. 5.

<sup>4</sup> *Chamberlain Accounts*, p. 96.

<sup>5</sup> *Ibid.* p. 96.

<sup>6</sup> *Ibid.* p. 99.

<sup>7</sup> *Ibid.* p. 539.

the salaries of these learned leeches. The druggist, indeed, appears to have been a favourite; for, in addition to his salary and his robe, we find him presented by the king in the course of the same year with a gift of fourteen pounds, thirteen shillings, and four pence.

The prices of clothes, according to the coarseness or the costliness of the materials, varied exceedingly. A robe for the keeper of the gate of the king's chapel cost only twenty shillings; a robe for Patrick de Monte-alto, which was, in all probability, lined with rich furs, cost four pounds;<sup>1</sup> a robe for the clerk of the rolls, twenty-six shillings<sup>2</sup> on one occasion, and thirty shillings on another;<sup>3</sup> whilst John Bysit, a poor monk of Haddington, and one of King Robert's pensioners, was allowed, in 1329, twenty shillings annually for his clothing;<sup>4</sup> and later than this, in 1364, a poor scholar, who is denominated a relation of the king, received from David the Second four pounds annually, to provide himself in food and clothing.<sup>5</sup> In 1263, Alexander the Third granted fifty shillings to nine prebendaries, to provide themselves with vestments.<sup>6</sup>

Wine appears to have been consumed in large quantities at the royal table. In 1263, under Alexander the Third, who is celebrated in a fragment of an old song for "wine and wax, gamyn and glee," a hundred and seventy-eight *dolii*, or hogsheads, of wine were bought for four hundred and thirty-nine pounds, sixteen shillings and eight pence. In 1264, sixty-seven hogsheads and one pipe cost the royal exchequer three hundred and seventy-three pounds, sixteen shillings, and eight pence; whilst in 1329, forty-two hogsheads,

<sup>1</sup> Chamberlain Accounts, pp. 101, 400.

<sup>2</sup> Ibid. p. 478.

<sup>3</sup> Ibid. p. 526.

<sup>4</sup> Ibid. p. 101.

<sup>5</sup> Ibid. p. 413.

<sup>6</sup> Excerpta ex Rotul. Compot. Temp. Alex. III. p. 13.

purchased from John de Hayel, a merchant at Sluys in Flanders, cost one hundred and sixty-eight pounds.<sup>1</sup> A pipe of Rhenish wine, bought for David the Second, at the time he held his court at Dundee, cost five pounds; but a pipe of the same wine, of finer flavour, which David had sent to the Countess of Strathern, cost seven pounds six shillings and eight pence, in 1361.<sup>2</sup> In 1364, the same lady received a hogshead of wine by the king's orders, for which the chamberlain paid six pounds thirteen shillings and four pence.<sup>3</sup> These wines were, without doubt, the same as those imported into England from Spain, Gascony, and Rochelle, and of which we find the prices fixed by a statute of Richard the Second.<sup>4</sup> Other wines, of inferior price, were probably mixtures compounded in the country, and not of pure foreign growth. Thus, in 1263, we find the dolius, or hogshead, of red wine, *vinum rubrum*, sold for thirty-six shillings and eight pence; and, at the same time, the hogshead of white wine brought two pounds.<sup>5</sup> In other articles of luxury for the table, the great expense seems to have been in spices, confectionary, and sweetmeats, in which quantities of mace, cinnamon, flower of gilliflower, crocus, and ginger, appear to have been used, upon the prices of which it would be tedious and useless to enlarge.

Some idea of the prices of gold and silver plate may be formed from an item in the Chamberlain Accounts of the year 1364, in which it appears that Adam Torre, burgess of Edinburgh, furnished for the king's table thirteen silver dishes, and six silver saltcellars,

<sup>1</sup> Excerpta ex Rotul. Compot. Temp. Alex. III. p. 17. Chamberlain Accounts, p. 97.

<sup>2</sup> Ibid. p. 377.

<sup>3</sup> Ibid. p. 412. See also p. 414.

<sup>4</sup> M'Pherson's Annals of Commerce, vol. i. p. 592.

<sup>5</sup> Excerpta ex Rotul. Compot. Temp. Alex. III. p. 44.

for which he was paid seventeen pounds, twelve shillings.<sup>1</sup>

With regard to the rent and the value of land at this period, the subject, to be investigated in a satisfactory manner, would lead us into far too wide a field; but any reader who is anxious to pursue so interesting an inquiry, will find, in the Cartularies of the different religious houses, and in the valuable information communicated by the books of the Chamberlain Accounts, a mass of facts, from the comparison of which he might draw some authentic deductions. The great difficulty, however, in an investigation of this nature, would arise from the want of any work upon the exact proportion which the ancient divisions of land, known in the Cartularies by the epithets of *carucatæ*, *bovatæ*, *perticatæ*, *rodæ*, *virgatæ*, bear to the measures of land in the present day: a desideratum which must be felt by any one attempting such an inquiry, in every step of his progress. For example, in an ancient roll, containing the rents of the Monastery of Kelso, preserved in the Cartulary of that religious house, and drawn up prior to 1320, we find, that the monks of this opulent establishment possessed the grange or farm of Reveden in Roxburghshire, in which they themselves cultivated five *carucates* of land. The remainder of the property appears to have been divided into eight husbandlands, *terræ husbandorum*, for which each of these husbandmen paid an annual rent of eighteen shillings. Upon the same grange they had nineteen cottages; for eighteen of which they received an annual rent of twelve pence, and six days' work at harvest and sheep-shearing. The ninth cottage rented at eighteen pence, and nine

<sup>1</sup> Chamberlain Accounts, p. 411.

days' harvest work. Upon the same property they had two breweries, yielding a rent of two marks, and one mill, which brought them nine marks yearly.<sup>1</sup> The difficulty here is, to ascertain the size of these husbandlands; in which inquiry, at present, I know not of any certain guide. The bovat or oxgang of land, according to Spelman and Du Cange, contained eighteen acres; a carucate contained eight bovates; and eight carucates made up a knight's fee: but that the same measures obtained in Scotland cannot be confidently asserted. Indeed, we know that they varied even in England, and that a deed, quoted in Dugdale's *Monasticon*, makes the bovat contain only ten acres; whilst Skene, upon no certain authority, limits it to thirteen.

In the same monastic roll we find, that Hugo Cay had a small farm, which consisted of one bovat, for which he paid to the monks a rent of ten shillings; and for a cottage, with six acres attached to it, and a malt-house, the tenant gave six shillings a-year. At a remote period, under Alexander the Second, the monks of Melrose purchased, from Richard Barnard, a meadow at Farningdun, consisting of eight acres for thirty-five marks. In 1281, we have already seen, that the portion of Margaret princess of Scotland, who was married to Eric king of Norway, was fourteen thousand marks. At the same time it was stipulated, that, for one-half of the portion, the King of Scotland might, at his option, assign to the King of Norway, during the continuance of the marriage, rents of lands amounting to a tenth part of the money, or to seven hundred marks yearly; whilst it was settled, that the princess was to have a jointure of one thousand four

<sup>1</sup> Cartulary of Kelso, MS. *Rotulus Reddituum Monasterii de Kalchow*.

hundred marks; and in both the public instruments drawn up upon this occasion, an annuity upon the life of Margaret, then in her twenty-first year, was valued at ten years' purchase.<sup>1</sup> In 1350, a perpetual annuity of eight marks sterling, or five pounds six shillings and eight pence, secured on land, was bought for one hundred and twenty marks, being exactly fifteen years' purchase.<sup>2</sup> To any of my readers who may be solicitous to pursue these inquiries farther,—to investigate the comparative value of food and labour in the sister countries, and their relation to the prices in the present day,—I would recommend the Table of the Prices of Corn, and other necessary articles, subjoined to M'Pherson's *Annals of Commerce*: a work which is a storehouse of authentic and interesting information upon the early history, not only of European commerce, but of European manners.

---

## SECTION V.

### STATE OF THE EARLY SCOTTISH CHURCH.

During the period embraced by the above observations, the Catholic church, from the fear of encouraging heresy and error, interdicted the unrestricted study of the Scriptures to the laity. Her solemn services were performed in a language not understood by the community at large. The people were depen-

<sup>1</sup> *Supra*, vol. i. p. 63.

<sup>2</sup> Hailes' *Annals*, vol. ii. p. 275. M'Pherson's *Annals of Commerce*, Appendix, vol. iv. No. III. Chronological Table of the Prices of Corn, and other necessary articles.

dent not only for religious knowledge, but for the commonest elements of secular instruction, upon their parish priests; printing was unknown; manuscripts rare, and letters generally despised by the higher orders. Under such obstacles, we are not to be surprised that the common character of the age was that of great darkness and ignorance, and that our Scottish ecclesiastical annals (so far as I am able to judge) present us with few active efforts for their removal. But there is another side upon which the view which they offer is more pleasing: I mean the civil influence which the church exerted upon the character of the government and of the people. And here I cannot help observing, that the history of her early relations with Rome, is calculated to place our clergy in a favourable light as the friends of liberty. The obedience which, in common with the other churches in Christendom, they paid to the great temporal head of the Catholic religion, was certainly far from being either servile or unlimited; and it is singular, that the same fervid national spirit, the same genuine love of independence, which marks the civil, distinguishes also the ecclesiastical annals of the country. The first struggles of our infant church were called forth, not against any direct encroachments of the papal power, but to repel the attacks of the metropolitan sees of York and Canterbury. It was, at an early period, the ambition of one or other of these potent spiritual principalities to subject the Scottish primate, the Bishop of St Andrews, to the dominion of the English church, by insisting upon his receiving the right of consecration from the hands of one of the archbishops of England;<sup>1</sup> and nearly the whole reign

<sup>1</sup> Eadmer, p. 99. Edition, folio, by Selden. Hailes, vol. i. pp. 54, 55.

of Alexander the First was spent in a determined resistance against such an encroachment, which concluded in the complete establishment of the independence of the Scottish church.

To introduce civilisation and improvement amongst his subjects, and to soften the ferocity of manners and cruelty of disposition, which characterized the different races over whom he ruled, was the great object of Alexander's successor, David the First; and he early found that the clergy, undoubtedly the most enlightened and learned class in the community, were his most useful instruments in the prosecution of this great design. Hence sprung those munificent endowments in favour of the church, and that generous liberality to the ecclesiastical orders which has been too rashly condemned, and which was, perhaps, necessary, in another point of view, in providing something like a counterpoise to the extravagant power of the greater nobles. Under this monarch, the individual freedom of the Scottish church was rigidly maintained; while, at the same time, it declared itself a willing subject of the papal throne, and received the legate of the supreme pontiff with much humility and veneration. Individual independence, however, was esteemed in no degree incompatible with an acknowledgment of subjection to the chair of St Peter. It is remarkable, too, that, at this remote period, there are traces of a freedom of discussion, and a tincture of heretical opinions, which, if we may believe an ancient historian, had for a long time infected the faith of the Scottish clergy.<sup>1</sup>

After a feeble and ineffectual attempt, under the reign of Malcolm the Fourth, to renew the attack upon

<sup>1</sup> R. Hagulstad. p. 325.



the freedom of the church, Henry the Second ungenerously availed himself of the captivity of William the Lion, to extort an acknowledgment of spiritual, as well as feudal subjection; but on this memorable occasion, the dexterous diplomacy of the Scottish commissioners, the Bishops of St Andrews and Dunkeld, procured the insertion of a clause in the treaty, which left the question of the independence of the national church open and undecided;<sup>1</sup> and at a council soon after held at Northampton, in the presence of the papal legate, the Scottish bishops asserted their liberty, declaring, that they never had yielded any subjection to the English church; and opposing, with a zeal and boldness which, in this instance, proved successful, the unfounded pretensions of the rival sees of York and Canterbury.<sup>2</sup>

Hitherto engaged in repelling these inferior attacks, the Scottish clergy soon after found themselves involved, by the imperious character of the king, in a serious contention with the popedom itself. On the death of the Bishop of St Andrews, the chapter chose for his successor an English monk, in opposition to the wishes of the king, who intended the primacy for Hugh, his own chaplain. With the violence which marked his character, William immediately seized the revenues of the see; procured Hugh to be consecrated; put him in possession; and when his rival, who had appealed in person to the pope, returned with a decision in his favour, he was met by a sentence of banishment, which involved his whole family and connexions in his ruin.

On this information reaching Rome, legatine powers were conferred, by the incensed pontiff, on the Arch-

<sup>1</sup> *Fœdera*, vol. i. p. 39.

<sup>2</sup> *Fordun & Goodal*, vol. i. p. 474.

bishop of York and the Bishop of Durham, with a reserved authority to direct the thunder of excommunication against the king, in the event of his contumacy; and the clergy of the diocese of St Andrews were commanded, upon pain of suspension, to acknowledge the authority of the extruded primate. But nothing could shake the firmness of William. He replied to this new sentence of the pope, by banishing every person that dared to yield obedience to the papal favourite; upon which the sentence of excommunication was pronounced by the legates, and the kingdom laid under an interdict. At this critical and terrible moment, when the monarch's determination to assert his own right of nomination had, in the sense of those times, plunged the land in spiritual darkness, the pontiff, Alexander the Third, died, and the King of Scotland lost not a moment in sending his commissioners to Rome, who succeeded in procuring from Lucius, the new pope, a recall of the sentence of excommunication and interdict, and an ultimate decision in favour of the king. The mode in which this was done was ingeniously calculated to gratify William, without detracting from the supreme authority of the Roman see. The two rival candidates, John and Hugh, came forward, and resigned into the hands of the pope all right to the contested bishoprick; upon which the pope installed Hugh, the favourite of the king, in the throne of St Andrews, and placed John in the inferior see of Dunkeld: a remarkable triumph, if we consider that it was achieved at a time when the proudest monarchs in Europe were compelled to tremble before the terrors of the popedom.<sup>1</sup>

Not long after, Lucius, in his paternal anxiety to

<sup>1</sup> R. Hov. Hist. p. 621.

demonstrate his affection for his northern son, sent the golden rose to William, an honour rarely bestowed, and highly prized in that age; and this distinction only led to more important privileges, conferred by Clement the Third, the successor of Lucius, upon the Scottish church.<sup>1</sup> It was declared, that in consequence of William's devoted and zealous affection to the chair of St Peter, (a singular compliment to a prince who had lately opposed it in so determined a manner,) the Scottish church was adopted as the special and favourite daughter of the apostolic see, and declared to be subject to no other intermediate power whatever. To the pope alone, or to his legate *a latere*, was permitted the power of publishing the sentence of interdict and excommunication against Scotland; upon no one, unless a native of Scotland, or at least a person specially deputed by the holy father for this purpose, was the office of legate to be conferred; and in the event of any controversies arising regarding benefices, it was enacted, that no appeal should be competent to any foreign tribunal, except that of the Roman church.<sup>2</sup>

These were high privileges: they at once put an end to the pretended superiority of the English church, and conferred upon the Scottish prelates a vantage ground, from which they jealously defended, and eagerly watched the opportunity to extend and improve, their rights. This is strikingly exemplified in the reign of the successor of William, Alexander the Second. The Scottish monarch had made war upon John king of England, at the time that he had placed himself and his realm under the peculiar protection of the pope,—a proceeding which drew down a sentence

<sup>1</sup> Chron. Melross, p. 92. Gulielm. Neubrig. p. 754.

<sup>2</sup> Chronicon Johan. Brompton, p. 1196.

of excommunication and interdict against Alexander and his subjects. The temper with which this was received, seems to have convinced the Roman court that the terrors of his spiritual thunder were little felt in Scotland; and fearful, perhaps, of losing its influence altogether, it permitted the Scottish king, without performing the ignominious penance which generally preceded absolution, to be again welcomed into the bosom of the church. At the same time, the sentence was removed from the whole body of his lay subjects; but the prelates and the rest of the clergy found that they could only be restored to the exercise of their spiritual functions upon the payment of large sums of money to the legate and his deputies.<sup>1</sup> Against this severity the king, jealous of the rights of his clergy, appealed to Rome, and obtained a judgment in his favour, which declared that the legate had exceeded his powers, and confirmed the privileges of the Scottish church.<sup>2</sup>

After a short time, this led to a still more important concession. In a moment of carelessness or indulgence, Honorius listened to the artful representations of the Scottish clergy. They lamented that, from the want of a metropolitan, they could not hold a provincial council, and that, in consequence of this misfortune, many enormities had been committed; upon which he authorized them to dispense with this necessary solemnity, and to assemble a general council of their own authority. This permission, there cannot be the least doubt, was meant to be temporary; but it was loosely expressed, and the Scottish clergy instantly perceived and availed themselves of its ambiguity. They affected to understand it as of perpetual authority, assembled

<sup>1</sup> Fordun a Goodal, vol. ii. p. 40.

<sup>2</sup> Ibid. vol. ii. p. 42.

under its sanction, drew up a distinct form of proceeding, by which the Scottish provincial councils should in future be held, instituted the office of Conservator Statutorum, and continued to assemble frequent provincial councils, without any farther application for the consent of the holy see.<sup>1</sup>

This happened in 1225, and the importance of the right which had been gained was soon apparent. For a long period, Scotland had impatiently submitted to the repeated visits of a papal legate, who, under the pretext of watching over the interests and reforming the abuses of the church, assembled councils, and levied large sums of money in the country. On the meeting of the Scottish king and Henry the Third at York, Otho, a cardinal deacon, and at that time legate in England, took an opportunity to intimate his intention of visiting Scotland, in order to inquire into the ecclesiastical concerns of the kingdom. "I have never seen a legate in my dominions," replied Alexander; "and, as long as I live, I will not permit such an innovation. We require no such visitation now, nor have we ever required it in times past." To this firm refusal the king added a hint, that should Otho venture to disregard it, and enter Scotland, he could not answer for his life, owing to the ferocious habits of his subjects; and the Italian prudently gave up all idea of the expedition.<sup>2</sup> But the zeal of the papal emissary was checked, not extinguished; and, after a few years, Otho again attempted to make his way into Scotland. Alexander met him while he was yet

<sup>1</sup> Cart. of Moray, MS. Ad. Library, Edin. p. 11. The canons of the Church of Scotland were transcribed by Ruddiman from the Cartulary of Aberdeen, and communicated to Wilkins, who published them in the first volume of the *Concilia Magnæ Britannię*. They were afterwards printed by Lord Hailes, with notes.

<sup>2</sup> Math. Paris, a Wats. p. 377.

in England, and a violent remonstrance took place, which ended in the legate being permitted to hold a council at Edinburgh, with a stipulation given under his seal, that this permission to enter the kingdom should not be drawn into a precedent. The king, however, refused to countenance by his presence, what he affirmed to be an unnecessary innovation, and retired into the interior of his kingdom; nor would he suffer the legate to extend his pecuniary exactions beyond the Forth.<sup>1</sup>

In Alexander the Third, who equalled his predecessor in firmness, and surpassed him in sagacity, the church found a resolute patron and defender. A summons, by a papal legate, addressed to the clergy of Scotland, commanding them to attend his court at York, was pertinaciously resisted, as being an infringement of their ancient privileges;<sup>2</sup> whilst an attempt to levy money upon the cathedrals and parish churches, and to enter the country, was opposed by the king; and in both instances the opposition was successful.<sup>3</sup> But this was not all. The Scottish clergy disclaimed obedience to the canons for the regulation of the ecclesiastical affairs of the country, which were enacted in a council held by the papal legate in England; and, aware of their own strength, assembled a provincial council at Perth, in which they promulgated canons of their own, and asserted their independence. In this manner, the opposition which the firmness of the second Alexander begun, the resolution of his successor completed; and, before the conclusion of his reign, the independent rights of the Scottish church may be regarded as firmly established.

<sup>1</sup> Math. Paris, p. 422.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 96.

<sup>3</sup> Ibid. vol. ii. p. 105.

Whilst the Scottish monarchs and their clergy were thus amicably united in their resolutions to establish their independence, the internal relations which united the civil and ecclesiastical authorities, and the good understanding subsisting between the crown and the church, were little interrupted by those fierce contentions which disturbed the repose of many other European kingdoms; and the superior information and influence of the clergy were employed by our monarchs as a mean of improving the savage habits of their people, and a counterpoise to the exorbitant power of the great feudal nobles. It was amongst the clergy alone, that at this early period we find any thing like a progress in the arts and in literature, if, indeed, the learning of our country during this age deserves so high a name. In their disquisitions in scholastic theology; in an acquaintance with the civil and canon law; in the studies of alchemy and judicial astrology; and, in some rare instances, in a knowledge of the oriental languages and the mathematics, the clergy of Scotland were not far behind their brethren of Europe. There were a few individual instances, in which the subtile, fervid, and indefatigable mind, which, according to Galileo, marked the Scots at the era of the revival of letters, was to be seen amongst the Scottish scholars and philosophers of this remote age.<sup>1</sup> John Duns Scotus, a name which is now associated with feelings of unmerited ridicule, the founder of a school which extended its ramifications through every country in Europe, for the encouragement of which princes lavished their treasures, and the most noted universities were ready to devote their exclusive

<sup>1</sup> This curious fact will be found mentioned in Sir R. Sibbald, *Historia Literaria Gentis Scotorum*, p. 30. MS. in the Ad. Library at Edinburgh.

patronage, was undoubtedly a Scotsman, born in the Merse in the latter end of the reign of Alexander the Third. Unable to procure instruction in any of the higher branches of knowledge in his own country, he pursued his studies at Oxford; and from this university repaired to Paris, where he found an asylum, at the time that the arms of Edward the First had gained a temporary triumph over the liberties of his native country. The labours of this indefatigable schoolman, shut up in twelve folios, once handled with reverential awe, enjoy undisturbed repose upon the shelves of many a conventual library: yet his genius undoubtedly impressed itself strongly and lastingly upon his age; and the same mind, if fallen on better days, might have achieved less perishable triumphs, and added to the stock of real knowledge.<sup>1</sup>

It has been already remarked, that in those dark days, in Scotland as well as in every other country in Europe, the whole stock of learning and science was shut up in the church; and as the great body of the Scottish clergy received their education in the universities of Oxford or Paris, for as yet no great seminaries of learning had arisen in their own country, we must look for the intellectual acquirements of this influential body in the nature of the studies which were then fashionable in the schools. That period of time which elapsed from the commencement of the thirteenth to the beginning of the fourteenth century, has been distinguished in the history of human knowledge by the title of the scholastic age; and a very slight view must convince us how dark a picture it presents. It is marked by the rise of the second age of the scholastic theology, in which the Aristotelian

<sup>1</sup> Cave, *Hist. Literaria*, vol. ii. p. 3 of the Appendix.



logic and metaphysics were, for the first time, introduced into the demonstrations of divine truth, and employed as an aid in the explanation of the Holy Scriptures.

The compilation of voluminous and intricate systems of divinity, which was introduced in the Greek church, as early as the eighth century, by John of Damascus, and in the Latin by the unfortunate Abelard, seems to have suggested to Peter Lombard the idea of compiling what he termed his "Four Books of the Sentences," which he extracted from the writings of the fathers, and more especially of St Augustine.<sup>1</sup> This work acquired, in a short time, an extensive reputation; and its author, known by the name of the Master of the Sentences, became the founder of the scholastic theology. But this great system continued for a century comparatively pure and unsullied; nor was it till its second age that we meet with the perpetual reference to the dogmas of Aristotle, which, with equal absurdity and impiety, were quoted as giving authority to the word of God. In progress of time the error gained strength, and, poisoning the sources of truth and knowledge, transformed the pure doctrines of the Scriptures, as they are found in the Bible, into an unmeaning rhapsody of words. Under both these ages of the scholastic theology, Scotland produced scholars whose reputation stood high in the schools. Richard, a prior of St Victor at Paris, and Adam, a canon regular of the order of Premonstratenses, illuminated the middle of the thirteenth century by voluminous expositions upon the Prophecies, the Apocalypse, and the Trinity; by treatises on the threefold nature of contemplation, and soliloquies on the com-

<sup>1</sup> Cave, *Hist. Literaria*, vol. ii. p. 221. Spanheim, *Epitome Isagogica ad Hist. Novi Test.* p. 394.

position and essence of the soul; while, during the second age of the scholastic theology, John Duns delivered lectures at Oxford to thirty thousand students.<sup>1</sup> In the exact sciences, John Holybush, better known by his scholastic appellation, Joannes de Sacrobosco, acquired, during the thirteenth century, a high reputation, from his famous treatise upon the Sphere, as well as by various other mathematical and philosophical lucubrations; and although claimed by three different countries, the arguments in favour of his being a Scotsman are not inferior to those asserted by England and Ireland. Like his other learned brethren, who found little encouragement for science in their own country, he resided in France; and even at so late and enlightened a period as the sixteenth century, and by no less a scholar than Melancthon, was Sacrobosco's work, the "Computus Ecclesiasticus," esteemed worthy of the editorial labours of this reformer.

Another extraordinary person who figured in those remote times, and over whose life and labours superstition has thrown her romantic and gloomy light, was Michael Scott, the astrologer of the Emperor Frederic the Second, and the great assistant of that monarch in his plan for restoring the works of Aristotle to the learned world of Europe, through the medium of translations from the Arabic. Previous to his reception at the court of Frederic, Michael had studied at Oxford; and he afterwards visited France, Italy, and Spain, in the unwearied pursuit of such knowledge as the great universities of those countries afforded to the students of the thirteenth century. Mathematics, astronomy, and the sister art of astrology, were his favourite pursuits; and in Spain, then partly in possession of the

<sup>1</sup> Cave, *Hist. Literaria*, vol. ii. p. 228. Ibid. Appendix, p. 3.

Arabians, and assuredly at this time the most enlightened portion of Europe, he acquired that acquaintance with the Arabic, which, in the general ignorance of the Greek language, was the only source from whence a knowledge of the Aristotelian philosophy could be derived. In obedience to the injunctions of the emperor, Michael Scott commenced his labours; and from the manuscripts which he has left, and which have reached our times, it is probable that he did not conclude them until he had translated and commented on the greater part of the works of the Stagyrte.<sup>1</sup> From the plan of Frederic, however, or the versions of the Scottish philosopher, little real benefit could be derived to science, for the Arabians had themselves greatly corrupted Aristotle; and we need not wonder that translations from such sources, and made in utter ignorance of the language of the original, must have retarded rather than accelerated the progress of real knowledge. Accordingly, Roger Bacon, a man whose genius was far in advance of the age in which he lived, is not unsparing in his censure; and, in no very measured phrase, accuses the wizard of being at once a plagiarist and an impostor.<sup>2</sup> As a mathematician and astronomer, he is entitled to less dubious praise; and his commentary on the "Sphere of Sacrobosco," was thought worthy of being presented to the learned world of Italy at so late a period as 1495.<sup>3</sup> It may be conjectured, therefore, that Michael owes much of his fame to his assumption of the character of a prophet

<sup>1</sup> Jourdain *Recherches Critiques sur l'age des Traductions Latines D'Aristotle*, pp. 132, 133.

<sup>2</sup> "Michael Scotus, ignarus quidem et verborum et rerum; fere omnia quæ sub nomine ejus prodierunt ab Andrea quodam Judæo mutuatus est." Roger Bacon apud Jourdain, p. 141. This learned oriental scholar conjectures, that in the above passage, for Andrea, we should read Avendar Judæo.

<sup>3</sup> Panzeri *Annales Typogr.* vol. i. p. 231.

and a magician; and that if the greatest of our Scottish minstrels had not embalmed him in his imperishable poem, and the high-wrought superstition of his country interwoven his dreaded predictions into the body of her romantic legends, his name might long ago have sunk into oblivion.<sup>1</sup> He was Baron of Balwearie in Fife, and must have been born previous to the year 1217.<sup>2</sup> The name of John Suisset, whose profound mathematical attainments are commemorated by Scaliger and Cardan, completes the brief catalogue of those philosophers and men of science whom Scotland, in that remote age, sent out to contest the palm of intellectual superiority with their brethren of Europe; and when we consider that every thing which could afford an encouragement to letters or to science was then a desideratum in our country, it is honourable to find, by the acknowledgment of the scholars of Italy, "that the barbarians were considered not inferior in genius to themselves."<sup>3</sup>

In turning, however, from such rare examples of talent in the church, to the literary attainments of the nobility, or to the means of instruction possessed by the great body of the people, the prospect is little else than a universal blank. During the long period from the accession of Alexander the Third to the death of David the Second, it would be impossible, I believe,

<sup>1</sup> "Michael iste dictus est spiritu prophetico claruisse, edidit enim versus, quibus quarundam Italiae urbium ruinam variosque predixit eventus." Pipino apud Jourdain, p. 131. See, also, Benvenuto da Imola's Commentary on the *Inferno*, book xx. v. 115.

<sup>2</sup> This is evident from a Latin MS. at Paris, which bears to have been translated by Michael Scott at Toledo, anno Christi mcccvii.

<sup>3</sup> In speaking of Suisset and John Duns, Cardan, in his *Treatise de Subtilitate*, p. 470, observes, "Ex quo haud dubium esse reor, quod etiam in libro de Animi Immortalitate scripsi, barbaros ingenio nobis haud esse inferiores, quandoquidem sub brumæ cælo divisa toto orbe Britannia duos tam clari ingenii viros emisit." — Irving's *Lives of the Scottish Poets*, vol. i. p. 31.

to produce a single instance of a Scottish baron who could sign his own name. The studies which formed the learning of the times were esteemed unworthy of the warlike and chivalrous spirit of the aristocracy, and universally abandoned to the church. Yet there is ample evidence in the Cartularies that Scotland, although possessed of no college or university, had schools in the principal towns, which were under the superintendence of the clergy, and wherein the youthful candidates for ecclesiastical preferment were instructed in grammar and logic. We find, for example, in the Cartulary of Kelso, that the schools in Roxburgh were under the care of the monks of Kelso during the reign of David the First; and that the rector of the schools of this ancient burgh was an established office in 1241.<sup>1</sup> Perth and Stirling had their schools in 1173, of which the monks of Dunfermline were the directors; and the same authentic records introduce us to similar seminaries in the towns of Ayr, South Berwick, and Aberdeen.<sup>2</sup>

It seems also probable that, within the rich monasteries and convents, which at this period were thickly scattered over Scotland, there were generally to be found schools, taught by the monks, who were in the habit of receiving and educating the sons of the nobility.<sup>3</sup> It is certain that, attached to the cathedral church belonging to the monastery of St Andrews, there stood a lyceum, where the youth were instructed in the Quodlibets of Scotus;<sup>4</sup> and that, so early as 1233, the schools of St Andrews were under the charge of a rector. A remarkable instance of this is

<sup>1</sup> Cartulary of Kelso, pp. 1, 258, 343.

<sup>2</sup> Sir L. Stewart's Coll. Ad. Lib. No. 45. Cart. of Paisley, p. 284. Cart. of Aberdeen, pp. 74, 80, 81. Caledonia, vol. i. pp. 767, 768.

<sup>3</sup> Ant. Augustini Epitome Juris Pontificii Veteris, vol. ii. p. 34.

<sup>4</sup> Martine's Reliquiæ Divi Andree, p. 187.

to be found in the Cartulary of Kelso, where Matilda, the Lady of Moll, in the year 1260, grants a certain rent to be paid to the abbot and the monks of this religious house, under the condition that they should board and educate her son with the best boys who were intrusted to their care.<sup>1</sup>

In the Accounts of the Chamberlain of Scotland, we find an entry of twenty shillings, given by Robert Bruce, in 1329, to the support of the schools at Montrose;<sup>2</sup> and the same record recounts a charitable donation of thirteen pounds six shillings and eight pence, presented by this monarch to Master Gilbert de Benachty, for his support in his studies.<sup>3</sup> Yet the instances of eminent Scottish scholars, which have been already noticed, prove convincingly that their own country could at this period afford them little else than the bare rudiments of education; and the consequent resort of students to France led to the foundation of the Scots College at Paris, in the year 1325, by David bishop of Moray,—an eminent seminary, which was soon replenished with students from every province in Scotland.<sup>4</sup>

In addition to the scholastic theology, both the civil and the canon laws were ardently cultivated during the thirteenth and fourteenth centuries,—an eminence in these branches being considered the certain road to civil and ecclesiastical distinction. The titles of Doctor decretorum, Licentiatus in legibus, and Baccalaureus in decretis, are found not unfre-

<sup>1</sup> Cart. of Kelso, p. 114.

<sup>2</sup> Cart. of Dunferm. M'Farlane's Transcript, p. 579.

<sup>3</sup> Compot. Camerarii Scotiæ, pp. 95, 96. See also p. 413, for this singular entry in the time of David the Second, anno 1364. "Et in victu et vestitu unius pauperis scholaris consanguinei domini nostri regis apud Edinburgh de mandato regis, 4 lbs."

<sup>4</sup> Irving's Lives of the Scottish Poets, Prefatory Dissertation, p. 61. Nicholson's Scottish Historical Library, p. 77.

quently subjoined to the names of our dignitaries in the church; and the Records of the University of Paris afford evidence that, even at this early period, the Scottish students had not only distinguished themselves in the various branches of learning then cultivated, but had risen to some of the highest situations in this eminent seminary.<sup>1</sup> From these foreign universities they afterwards repaired to their own country, bringing with them the learning, the arts, and the improvements of the continent. There is evidence, in the history of the various foundations of our religious houses, by our early monarchs, that the clergy who were educated abroad were especially favoured at home; and after their settlement in the church, a constant intercourse with their continental brethren enabled them to keep pace in intellect and knowledge with the great family of the churchmen of Europe. For such learning as then existed in the world, the monasteries afforded, in Scotland as in other countries, a sacred receptacle; and although the character of the theology there taught was not of a high order, and the state of other branches of human learning deformed by error, yet, without the feeble spark preserved in the religious houses, and the arts of life which were there cultivated and improved by the clergy, the state of the country, during the period of which we are now writing, would have been deplorable indeed. Much that we know of the authentic circumstances of the times, we owe to the monastic annalists, who employed their leisure in the composition of those rude chronicles, which, distant as they are from the model of a grave or enlightened history, often convey to us very striking pictures.

<sup>1</sup> Bulaeus, *Hist. Univers. Parisiens.* vol. iv. pp. 960, 968, 974, 989. Keith's Catalogue of Scottish Bishops, pp. 82, 83, 84. Mylne, *Vitæ Episcoporum Dunkeldensium*, p. 17. Editio Bannatyniana.

In every monastery in Scotland it appears to have been the custom to compile three sorts of register books, specimens of which having been saved from the wreck of time, enable us to form a pretty correct idea of their nature and contents. The first was a general register, compiled in the shape of a chronicle, or book of annals, containing the events arranged under the years in which they happened. Such are the fragments entitled, "*Chronica de Origine Antiquorum Pictorum*;" the "*Chronicon Sanctæ Crucis*;" the "*Chronicle of Melross*;" the short fragment of the "*Chronicle of Holyrood*;" the "*Liber Pasletensis*;" and various other ancient "*Chronica*," which were written anterior to the fatal year 1291, when Edward collected and carried away the historical records of the country.

The second species of monastic register was a bare obituary, in which we find recorded the decease and the interment of the various abbots, priors, and benefactors of the monastery; and the third was the Cartulary, in which the charters of the kings, or other great men who favoured the religious house, the bulls of the popes, the revenues of their lands, the leases granted to their vassals or dependants, the history and the proceedings of the various lawsuits in which they were engaged, the taxes which they paid to the crown, and many other minute and interesting particulars are recorded.<sup>1</sup> The collection of these last is fortunately much more complete than we should have anticipated from the lamentable havock and destruction which occurred at the period of the Reformation. Many of the original Cartularies are preserved in that noble repository of manuscripts which is the property of the

<sup>1</sup> Nicholson's Scottish Historical Library, p. 77.



Faculty of Advocates; others have been discovered in the libraries of ancient families, or of private collectors; and it is in this great storehouse of authentic records that there is to be found, although in a shape somewhat repulsive to the general reader, the most fresh and living pictures of the manners of the times.

This period, however, besides these monkish annalists, produced one writer of original genius: I mean Barbour, the metrical historian of Bruce, of whose work it is difficult to say whether it ranks highest as a faithful history of this great monarch, and of the manners of his age, or a graphic and spirited poem, full of noble sentiment, and occasionally varied with beautiful descriptions of natural scenery. It is in every respect a remarkable production for so early an age as the middle of the fourteenth century; and contains many passages, which, in the strength and purity of the language, in the measured fulness of the rhythm, and the richness of the imagery, are not inferior to Chaucer.<sup>1</sup> Its author was born about the year 1316, and, after having received the rudiments of his education in his own country, pursued his higher studies at Oxford, and afterwards in France.<sup>2</sup> On his return to his native country, he rose to considerable preferment in the church, and devoted the leisure which he spared from the duties of his archdeanery, to the composition of his great national poem, for which he was rewarded by a pension from Robert the Second.<sup>3</sup> Another work of this writer was a history or genealogy of the Kings of Scotland, compiled, in all probability, from Wace, or Geoffrey of Monmouth, and entitled "The Brute." It is mentioned in "Winton's Chronicle;"<sup>4</sup> but has

<sup>1</sup> Warton's History of English Poetry, p. 318.

<sup>2</sup> Jamieson's Memoirs of the Life of Barbour, p. 6.

<sup>3</sup> Ibid. p. 8.

<sup>4</sup> Winton's Chronicle, book iii. chap. iii. v. 139, vol. i. p. 54. Ellis's Specimens of the Early English Poets, vol. i. p. 228.

not reached our times. Winton himself, and his brother historian, Fordun, both writers of great value, do not properly belong to this period.

Considerably prior in point of time to Barbour, was the celebrated Thomas the Rhymer, or Thomas of Ercildoune, the author of the romance of "Sir Tristrem," a poem which enjoyed the highest celebrity, not only in his own country and in England, but throughout Europe. It has been observed as a remarkable circumstance, that while, prior to the period of Chaucer, there is to be found no English romance which is not a translation from some earlier French original, and at the time when the progress of the English language, in the country which has given it its name, was retarded by many powerful obstacles, the poets of the south of Scotland appear to have derived their romantic fictions from more original sources, and to have embodied them in a dialect of purer English than the bards of the sister kingdom. In the romance of "Sir Tristrem," written about the middle of the thirteenth century,<sup>1</sup> and in two other more ancient Scottish romances, "Gawan and Gologras," and "Goloran of Galloway," so very scanty are the traces of any thing like a French original, that, according to the conjecture of the great writer to whom we owe the publication of the first and most interesting of these early relics, it is probable they have been originally extracted from that British mine of romantic fiction from which have proceeded those immortal legends of Arthur and his knights, which took such a hold on the youthful imagination of Milton. The names of all the important personages in the story are of British origin; and it is conjectured, upon data which it would be difficult

<sup>1</sup> Introduction to the Romance of Sir Tristrem, by Sir Walter Scott, p. 12. Ibid. p. 57.

to controvert, that in Tristem himself, however transformed by the poetic colouring of Thomas of Ercildoune, we are to recognize an actual British warrior, who, in the last struggles of the little kingdom of Cornwall against its Saxon invaders, signalized himself by those exploits which have given the groundwork to this poetic romance.<sup>1</sup> In England, the Norman conquest, and the consequent prevalence of the Norman-French, which became the language of the court, and the medium in which all legal proceedings were carried on, necessarily corrupted the purity of the Saxon language. "In England," to use the words of Sir Walter Scott, in his Introduction to Sir Tristem, "it is now generally admitted, that after the Norman conquest, while the Saxon language was abandoned to the lowest of the people, and while their conquerors only deigned to employ their native French, the mixed language, now called English, existed only as a kind of *lingua Franca*, to conduct the necessary intercourse between the victors and the vanquished. It was not till the reign of Henry the Third that this dialect had assumed a shape fit for the purposes of the poet; and even then it is most probable that English poetry, if any such existed, was abandoned to the peasants and menials; while all who aspired above the vulgar, listened to the *lais* of Marie, the romances of Chrestien de Troyes, or the interesting *fabliaux* of the Anglo-Norman *trouveurs*. The only persons who ventured to use the native language of the country in literary compositions were certain monkish annalists, who usually think it necessary to inform us that they descended to so degrading a task out of pure charity, lowliness of spirit, and love to the 'lewed men,'

<sup>1</sup> Introduction to the Romance of Sir Tristem, by Sir Walter Scott, pp. 52, 53.

meaning the lower classes, who could not understand the Latin of the cloister, or the Anglo-Norman of the court."

Whilst such was the case in England, the formation of the language spoken in the sister country took place under different circumstances; so that, instead of considering the language, in which Thomas of Ercildoune and his successors have written, as a daughter of the Anglo-Saxon, it would be more correct to regard it as an independent stream, derived from the great fountain of the ancient Gothic, but coming to us, in Scotland, through purer channels than those wherein it flowed into England. Into the great controversy regarding the origin of the Pictish people, it would be entirely out of place to enter at present; although any examination hitherto made of the original authorities, upon both sides of a question, which has been agitated with an asperity peculiarly inimical to the discovery of the truth, rather inclines me to consider them as a race of Gothic origin,—an opinion supported by the united testimony of Bede, Nennius, Gildas, and the Saxon Chronicle.<sup>1</sup> Every hypothesis which has been adopted to account for the introduction of the Saxon language into Scotland, from England, by the gradual influx of Saxon and Norman nobles, by the multitude of English captives taken in war, or by the marriage of Malcolm Canmore with a Saxon princess, seems extremely unsatisfactory; and it appears a more tenable theory to suppose, that in the great kingdom of Strathclyde,—which came at last to be wrested from the original British tribes by the Saxons, in the large district of the Lothians and of Berwickshire, which was entirely peopled by Saxons,

<sup>1</sup> Jamieson's *Dissertation on the Origin of the Scottish Language*, pp. 2, 4, 26, prefixed to his *Dictionary*.

and in the extensive dominions of the Picts, a race of people descended from the same Gothic stem,—there was formed, in the progress of centuries, a Gothic dialect, which we may call the Scoto-Saxon, similar to the Anglo-Saxon in its essential character, but from the circumstances under which its formation took place, more unmixed with any foreign words or idioms. It was this Scoto-Saxon language, called by Robert de Brunne “strange Inglis,” or “quaint Inglis,”<sup>1</sup> which appears to have been spoken by the Scots from the beginning of the twelfth century, and continued the language of the court and of the people down to the time of Barbour and Winton. It was in this language that the wandering minstrels of those days composed their romantic legends of love or war; and that the higher bards, who, to use the words of the ancient chronicler above quoted, wrote for “pride and noblye,” and to satisfy their thirst for fame, composed the romances which were then popular in Scotland, and came, through the medium of translations into Latin and Norman-French, to be famous throughout Europe.<sup>2</sup> That the Gaelic was the language of the great body of the Celtic people, who at a remote period overspread the greatest part of Scotland, and that it was understood and spoken by Malcolm Canmore himself, is a fact resting on the most undoubted evidence; but it is equally certain, that such is the radical difference in the character and construction of these two tongues, that they have continued, from the earliest period to the present day, totally distinct, refusing to blend or amalgamate with each other. In like manner, the Norman-French, although understood by the Scottish

<sup>1</sup> Sir Walter Scott's Introduction to the Romance of Sir Tristrem, pp. 65, 66.

<sup>2</sup> Ibid. pp. 74, 75, 76.

monarchs and their nobility, and frequently employed in their diplomatic correspondence, seems never, as in England, to have usurped the place of the ancient national dialect of the Scoto-Saxon ; whilst the Latin, the language of science, of theology, of all civil and ecclesiastical contracts and legal proceedings, was principally understood by the monks and the clergy. It may be conjectured, therefore, on pretty strong grounds, that the mass of the people to the south of the Firth of Tay spoke the Scoto-Saxon, and that this "quaint Inglis," as it is called by Robert de Brunne, was a purer stream from the Gothic fountain than the English spoken or written at the same period in the sister country. Of this language very few specimens have reached our times in a genuine and uncorrupted state. The constant alterations which took place in early orthography, and in the gradual introduction of new idioms, render it impossible to quote any fragment as a correct specimen of the language of the period, if this relic is only preserved in a writer of a later age, and is not itself written at, or at least within, a very short time of its real date. Thus, we cannot say for certain, that the little song or monody, which has already been quoted, composed on the death of Alexander the Third, as preserved by Winton, is exactly in its genuine state, as the earliest manuscript of Winton now extant could not have been written prior to 1420 or 1421 ;<sup>1</sup> and in the long period of nearly a century and a half, a great change must have taken place in the language. The manuscript of Thomas of Ercildoune's poem is, on the contrary, of great antiquity, and has been pronounced by able antiquaries to belong to the middle of the

<sup>1</sup> Macpherson's Preface to Winton's Chronicle, p. 31.

fourteenth century;<sup>1</sup> but it appears to have been transcribed in England, and must, consequently, have undergone many changes from its original purity. It still, however, contains many idioms which are at this day used in Scotland, although they have long ceased to be English; and its language exhibits, perhaps, the nearest approach to the genuine Scoto-Saxon, which is to be found prior to the time of Barbour and Winton. The description of Roland Ris, the father of the good Sir Tristrem, is as follows:—

He was gode and hende,  
Stalworth, wise, and wight;  
Into this londes ende  
Y wot non better knight;  
Trewer non to frende,  
And Rouland Ris he hight;  
To batayl gan he wende;  
Was wounded in that fight,  
Full felle:  
Blaunche Flower the bright  
The tale them herd she telle.<sup>2</sup>

The style of the poem is throughout exceedingly abrupt and elliptical; and there is a concentration in the narrative, which, by crowding events into small room, produces an obscurity which renders it difficult to follow the story: but there are some fine touches of nature; and it is valuable for its pictures of ancient manners.

There is every reason to believe, that many other romances, written in the ancient Scottish, or Scoto-Saxon, were composed at this period; and that their authors were in high estimation, encouraged by kingly patronage, and welcomed in the halls and castles of the feudal nobility. It unfortunately happened that the

<sup>1</sup> Dr Irving's MS. History of Scottish Poetry, p. 27. See postea, p. 252.

<sup>2</sup> Sir Tristrem, p. 15.

art of printing was not yet discovered; so that the few written copies of such "gests and romances," which must have thrown such striking lights upon the genius and manners of our ancestors, have long ago perished. The simple names of the authors, or "*makars*," with a brief and unsatisfying notice of the subjects of their composition, are all that remain. Amongst these shadows we find a venerable poet commemorated by Winton, in his Chronicle, under the name of "Hucheon of the Awle Ryall," or "Hugh of the Royal Court," whose great work was entitled the "Gest of Arthure." He appears, however, to have been a voluminous writer for those early days; as, in addition to "Arthure," he composed the "Geste of the Brute," the "Aventures of Sir Gawyn," and the "Pystyl of Swete Susan."<sup>1</sup> Of these works, the last, a short poem, founded on the story of "Susannah and the Elders," has reached our times. It is composed in a complicated alliterative stanza, in the use of which the bards of the "north countrée" are reputed to have been especially skilful; but it undoubtedly contains no passages which, in any degree, support the high character given of its author by Winton. "It becomes all men," says this historian, "to love Hucheon; who was cunning in literature, curious in his style, eloquent and subtile; and who clothed his composition in appropriate metre, so as always to raise delyte and pleasure."<sup>2</sup> If any reader, with the help of a glossary, will consent to labour through the "Pystyl of Swete Susan," he will probably be disposed to come to the conclusion, either that it is not the identical composition of the bard of the "Awle Ryall," or that his merits have been infinitely overrated by the partiality of Winton. His

<sup>1</sup> Winton's Chronicle, vol. i. p. 121.

<sup>2</sup> Ibid. p. 122.



great historical romance, however, or "Gest Historical," was, we may presume, a superior composition. In it he treated of subjects which were dear to the feelings and imaginations of our ancestors: of the doughty deeds of Arthur; of his worship and prowess; his conquests and royal estate; his round table and twelve peers; and it was, probably, in listening to these tales of love and war, that the ladies and knights of Winton's days experienced that "plesans and delyte," which we in vain look for in the only composition of his which has reached our days. It has been asserted by Chalmers, that in Hucheon of the "Awle Ryall," we are to recognize Sir Hugh de Eglinton, whose death is lamented by Dunbar, in his pathetic "Lament" for the death of the Scottish poets who had preceded him; but the grounds on which the opinion is founded appear slight and unconvincing.<sup>1</sup>

Besides these higher poets of established excellence and fixed habitation, there can be no doubt that Scotland, from an early period, produced multitudes of errant minstrels, who combined the characters of the bard and the musician; and, wandering with their harp from castle to castle, sang to the assembled lords and dames those romantic ballads of love and war which formed the popular poetry of the day. It was

<sup>1</sup> "I think there cannot be any doubt, whether Sir Hugh de Eglynton were not Hucheon of the 'Awle Ryale.'" Letter of Mr Chalmers to Mr David Laing, and quoted in his Introduction to the *Pystyl of Swete Susan*. It has been acutely observed by Dr Irving, in the third chapter of a *History of Scottish Poetry*, not yet published, but which, it is to be hoped, he will not long withhold from the world, "that when the author of *Gawan and Gologras* introduces the name of Hugh, he does not exhibit it in the form of Hucheon, but that both he and Winton exhibit it in the form of Hew." I have great pleasure in acknowledging the polite and liberal feeling with which Dr Irving communicated to me the three first chapters of his manuscript, and the assistance I have derived, upon this and many other occasions, from his learning and research.

impossible, indeed, that it should be otherwise. The Gothic tribes which, at a very early period, possessed themselves of the lowlands; the Saxons and Northumbrians who dwelt on the border; the Scandinavians or Norwegians, who for several centuries maintained possession of the islands, and of Ross and Caithness; and the Normans, whose original love for romantic fiction was cherished by their residence in France, were all passionately addicted to poetry. They possessed a wild imagination, and a dark and gloomy mythology; they peopled the caves, the woods, the rivers, and the mountains, with spirits, elves, giants, and dragons: and are we to wonder that the Scots, a nation in whose veins the blood of all those ancient races is mingled, should, at a remote period, have evinced an enthusiastic admiration for song and poetry; that the harper was to be found amongst the officers who composed the personal state of the sovereign; and that the country maintained a privileged race of wandering minstrels, who eagerly seized on the prevailing superstitions and romantic legends, and wove them, in rude but sometimes expressive versification, into their stories and ballads; who were welcome guests at the gate of every feudal castle, and beloved by the great body of the people? We learn from a curious passage in Giraldus Cambrensis, which has been quoted by Sir Walter Scott in his Introduction to *Sir Tristrem*, that the country situated beyond the Humber and the limits of York, in remote times undoubtedly a part of the kingdom of Scotland, acquired much fame for a peculiar mode of singing in parts, which Giraldus describes with great minuteness, and in terms of admiration. This ancient style appears to have been nothing more than a skilful combination of two voices, a base and a treble, "una

*inferius submurmurante, altera vero superne demulcente pariter et delectante.*"<sup>1</sup>

In the reign of David the First, at the battle of the Standard, which was fought in 1138, minstrels, posture makers, and female dancers, accompanied the army;<sup>2</sup> and there can be little doubt that in Scotland, as in France and England, the profession of a minstrel combined the arts of music and recitation, with a proficiency in the lower accomplishments of dancing and tumbling.<sup>3</sup> In Giraldus Cambrensis, there is a remarkable testimony to the excellency of the Scottish music during the reign of Henry the Second, who was contemporary with William the Lion. "In Ireland," says he, "they use for their delight only two musical instruments, the harp and the tabor. In Scotland we find three, — the harp, the tabor, and the bagpipe,"<sup>4</sup> (choro.) In Wales they have also three, — the harp, the pipe, and the horn. The Irish employ strings made of brass wire instead of the gut of animals. It is the opinion of many at this day, that Scotland has not only equalled her mistress, Ireland, in musical skill, but has far excelled her, so that good judges are accustomed to consider that country as the fountain-head of the art."

It seems to have been a custom in Scotland, as old, at least, as Alexander the Third, that when the sovereign made his progress through the country, minstrels and singers received him on his entrance into the

<sup>1</sup> Sir Tristram, Introduction, p. 70.

<sup>2</sup> Ethelredus de Bello Standardi, Twysden, vol. i. p. 342.

<sup>3</sup> Bishop Percy's Essay on the Ancient Minstrels, p. 25, and Notes, p. 62, note F.

<sup>4</sup> Camdeni Anglica. Hiber. Normann. p. 739. In the first edition of this history, I introduced *cornu* for *choro* in this sentence; but my friend, Mr Dauney, in his learned and excellent dissertation, prefixed to his "Ancient Scottish Melodies," has completely proved that the word is *choro*, and means the bagpipe. Dissertation, pp. 122, 123.

towns, and accompanied him when he took his departure; and we find Edward the First, in his triumphal journey through the land in 1296, paying certain sums of money as a remuneration for the same melodious reception. Whether Bruce was himself a proficient in music, the favourite accomplishment of many a knight in those days, is not known; but he undoubtedly kept his minstrels: and we have already seen that, upon the marriage of David his son to the Princess Joanna of England, there is an entry in the Accounts of the Great Chamberlain, which shows that the royal nuptials were cheered by Scottish and English minstrelsy;<sup>1</sup> and that the minstrels of the King of England, having accompanied their youthful mistress into her new dominions as far as Dunbar, were there dismissed, with a largesse of four pounds from the king. At the coronation of David the Second, the minstrels again make their appearance; and, from the higher sums which are then given, it may be conjectured that a more numerous band had attended upon this joyous occasion, than at the nuptials at Berwick. They are presented with twenty pounds by the king, and receive ten from his consort.<sup>2</sup> There can be no doubt that, in many instances, these minstrels, besides being harpers or musicians, who sang and recited the popular poetry of the country, were themselves poets, who composed extemporaneous effusions; or, in more frequent instances, altered some well-known ditty of love or war to suit the taste, and, by a skilful change of name, to flatter the family pride of the feudal baron in whose hall they experienced a welcome. It is difficult, unless we admit the existence of some such system of poetic

<sup>1</sup> Chamberlain Accounts, *Compotus Camerarii Scotiæ*, p. 96.

<sup>2</sup> *Ibid.* p. 228.

economy, to account for the perpetual recurrence of the same individual stanzas, or at least of the same expressions, in many of our oldest ballads, and the reappearance of the same tale, with only a slight change of incident, and alteration in the names of the actors. We know, from authentic evidence, that there were *gests* and historic ballads written upon the story of Wallace; and that, upon the occurrence of any great national event or victory, the genius of the country broke into songs, which the Scottish maidens used to sing. A single stanza of a Scottish ballad, composed after the defeat of the English at Bannockburn, has been preserved in the St Alban's Chronicle. "For he," says the monkish author, speaking of Edward the Second, "was dyscomfited at Banocksborne; therefore the maydens made a song thereof in that countrée, of Kynge Edward, and in this manere they songe:—

Maydens of Englonde, sore may ye morne,  
 For ye have lost your lemmans at Banocksborne,  
   With hevelogh;  
 What wenyth the kinge of Englonde  
 To have got Scotland,  
   With rombelogh."<sup>1</sup>

In Bower's additions to the *Scotichronicon*, written about 1441, he mentions, with a contempt which is ill concealed, that the vulgar crowd, in his own day, were much delighted with tragedies, comedies, ballads, and romances, founded on the story of Robin Hood and

<sup>1</sup> St Alban's Chronicle, part vii. sig. r. 11, quoted in Dr Jamieson's Notes on Bruce, p. 467. Winton's Chronicle, vol. ii. p. 102, speaking of Wallace —

Of his gud dedis, and manhad  
 Great gestis I hard say ar made;  
 Bot as mony I trow noucht  
 As he in til his dayis wroucht.

Little John, which the bards and minstrels used to sing, in preference to all others of the same kind of compositions.<sup>1</sup> These popular songs and ballads, of which we can merely trace the existence, were, in all probability, written by the minstrels and harpers, who not only crowded the castles of the great, but roamed over the country, and were welcome guests at every cottage door. Nor is it difficult to ascertain the cause why nearly every trace and relic of these ancient ballads has now perished. The clergy of those remote days were the only men who committed any thing to writing; and it is certain that the clergy were the bitter enemies of the minstrels, whom they considered as satirical rivals and intruders, who carried off from the church the money which might have been devoted to more pious and worthy uses. They talk of them as profligate, low-bred buffoons, who blow up their cheeks, and contort their persons, and play on horns, harps, trumpets, pipes, and Moorish flutes, for the pleasure of their lords, and who moreover flatter them by songs, and tales, and adulatory ballads, for which their masters are not ashamed to repay these ministers of the prince of darkness with large sums of gold and silver, and with rich embroidered robes.<sup>2</sup>

From this natural antipathy of the clergy to the singers and minstrels, it has unfortunately happened that many a monkish Latin rhyme, composed in the miserable taste of the age, has been preserved with affectionate care; whilst the historic tales and ballads of this early period of our history have been consigned to what was then deemed a just and merited oblivion.

<sup>1</sup> Forduni Scotichronicon a Goodal, vol. ii. p. 104.

<sup>2</sup> The proofs of this will be found in Du Cange, voce *Ministrelli*. Rigordus, de rebus Gestis Philippi Agusti, ann. 1185. St August. tract. 100 in Joann. chap. vi. *Compotus Hospitii Ducis Normanniæ*, ann. 1348.

And yet a single ballad on the death of Wallace, or the glory of Bruce, preserved as it then fell from the lips of a Scottish minstrel or a Scottish maiden, were now worth half the proud volumes of those pedantic schoolmen.

It is extremely difficult to collect any authentic information upon the musical instruments, or the character of the music, of this remote period.<sup>1</sup> The only specimens of the musical instruments of the age are to be found upon the rich stone carvings which ornament the pillars of the Gothic churches, and the tracery of the borders, windows, and gateways. Amongst these we meet with the figures of musicians, some of them so entire as to give us a pretty correct idea, of the shape at least, of the instrument they hold in their hands. The flute with six holes; the bagpipe with a single *drone*; the viol with four strings, and the sounding holes above the bridge; and the lute, or at least an instrument approaching it in its shape, with six strings, are all discernible in the carvings of Melrose abbey, and some of them appear in the beautiful specimen of the florid Gothic to be seen in Roslin chapel.<sup>2</sup> What was the particular style and character of the music performed by these instruments, or of the songs which they accompanied, it is now impossible to determine; and although the opinion of Ritson, that none of our present Scottish melodies can be traced, upon any thing like authentic evidence, farther back than the Restoration, appears somewhat too sweeping and

<sup>1</sup> Since the publication of this work, Mr Dauney's Introductory Dissertation to his "Ancient Scottish Melodies" has communicated a body of interesting and authentic information upon these subjects.

<sup>2</sup> Statistical Account, vol. ix. p. 90. "On the south-east of this church are a great many musicians, admirably cut, with much pleasantness and gaiety in their countenances, accompanied with their various instruments." — Dalzel's Desultory Reflections on the State of Ancient Scotland, p. 56.

positive, it is nevertheless true that, in the total want of authentic documents, it would be idle to hazard a conjecture upon the airs or melodies of Scotland at the remote period of which we now write. The church music, however, was in a different situation; and, owing to the constant intercourse of the great body of our clergy with the continent, the same style of sacred music which had been introduced into the religious service of Italy, France, and England, must have been imported into our own country. If we may believe Dempster, a writer of somewhat apocryphal authority, Simon Taylor, a Scottish Dominican friar, as early as the year 1230, became the great reformer of the church music of Scotland, and by his inimitable compositions brought this noble art to vie with the music of Rome itself.

In 1250, when the body of St Margaret was removed, with much ecclesiastic pomp, from the outer church, where she was originally interred, to the choir beside the high altar, the procession of priests and abbots, who carried the precious load upon their shoulders, moved along to the sounds of the organ, and the melodious songs of the choir, singing in parts.<sup>1</sup> It has been asserted, indeed, by my late venerable grandfather, in his Dissertation on Scottish Music, that we owe the first introduction of organs, and of a choral service, into the cathedrals and abbeys of Scotland, to James the First; but this can only be understood as applicable to the improved organs of the days of James the Fourth,<sup>2</sup> as we see there is certain evidence of the instrument, in its first rude state,

<sup>1</sup> Fordun & Goodal, vol. ii. p. 83.

<sup>2</sup> Dissertation on Scottish Music, by William Tytler, Esq. of Woodhouselee. Antiquarian Transactions, vol. i. p. 482. "*Organa qualia nunc sunt*," is Boece's expression.



existing in Scotland at a much earlier period. It would have been singular, indeed, if the same invention, which is found in England as early as the reign of Edgar, and in Ireland during the ninth century, should not have made its way into Scotland till the reign of James the First.<sup>1</sup> Accordingly, in Fordun's account of the nuptials of Alexander the Third, there is a minute description of a masque, which proves that in those days the Scottish musical instruments were not only of various sorts, but that some of those instruments were similar to the *organs* used in the performance of the tragedies, or mysteries, which were then frequently enacted by the clergy for the amusement and edification of the people.<sup>2</sup>

The wise partiality of our early kings to the manners and customs of England, the enthusiasm which David the First evinced for the erection of churches and monasteries, and the introduction of all the magnificence and solemnity of the Catholic worship amongst his rude and barbarous subjects, entitles us to conjecture, on strong grounds of probability, that the church music of Scotland, during the reign of this monarch, would be a pretty close imitation of that which was then to be found in the sister country. Ethelred, an author of high authority, and a friend and contemporary of David the First, gives us the following minute and curious account of the church music in his own days:—"Since all types and figures are now ceased, why so many organs and cymbals in our churches? Why, I say, that terrible blowing of the bellows, which rather imitates the frightsomeness of thunder than the sweet harmony of the voice? For what end is this contraction and dilatation of the voice? One

<sup>1</sup> M'Pherson's *Annals of Commerce*, vol. i. p. 252.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 128.

restrains his breath, another breaks his breath, and a third unaccountably dilates his voice ; and sometimes, I am ashamed to say, they fall a-quavering like the neighing of horses. Next they lay down their manly vigour, and with their voices endeavour to imitate the softness of women. Then, by an artificial circumvolution, they have a variety of outrunnings. Sometimes you shall see them with open mouths and their breath restrained, as if they were expiring and not singing, and by a ridiculous interruption of their breath, they appear as if they were altogether silent. At other times, they look like persons in the agonies of death ; then, with a variety of gestures, they personate comedians ; their lips are contracted, their eyes roll, their shoulders are shaken upwards and downwards, their fingers move and dance to every note. And this ridiculous behaviour is called religion ; and when these things are most frequently done, then God is said to be most honourably worshipped.”<sup>1</sup> From this state of complicated perfection to which the religious music of England had arrived at so early a period, we may be permitted to attribute a considerable knowledge, if not an equal excellence, in the same science to our own country ; for we know that the Scottish clergy, in the cultivation of the arts which added solemnity and magnificence to their system of religious worship, were in few respects behind their brethren of the South : yet this is conjectural, and not founded upon accurate historic proof.

The churchmen of those remote times did not only monopolize all the learning which then existed, they were the great masters in the necessary and orna-

<sup>1</sup> Ælred, *Speculum Caritatis*, book ii. chap. xx. Duaci, 1631, 4to, quoted in Pinkerton's *Introductory Essay to the Maitland Poems*, vol. i. p. 67.

mental arts; not only the historians and the poets, but the painters, the sculptors, the mechanics, and even the jewellers, goldsmiths, and lapidaries of the times. From their proficiency in mathematical and mechanical philosophy, they were in an especial manner the architects of the age; and the royal and baronial castles, with the cathedrals, monasteries, and conventual houses throughout Scotland, were principally the work of ecclesiastics.

Into the numerous and elegant arts then practised by the clergy, it is impossible to enter; but no apology will be required for submitting a few remarks upon the last-mentioned subject, the domestic and the religious architecture of the times, as the question, In what sort of houses or fortalices were our ancestors accustomed to live? is not one of the least interesting which presents itself in an inquiry into the ancient condition of the country.

At a remote era, the fortifications in the lowland counties of Scotland, inhabited by tribes of Gothic origin, were, in all probability, the same as the castles called Anglo-Saxon in England. Their construction partook of the rude simplicity of the times in which they were built. They consisted of an inner keep, or castle, surrounded by a strong wall, beyond which was a ditch, or deep fosse, sometimes twenty or thirty yards in breadth; and beyond this again was raised an outer *vallum* or rampart, of no great height, and apparently composed alone of earth.<sup>1</sup> They were

<sup>1</sup> Strutt's *Manners and Customs of the Inhabitants of England*, vol. i. p. 25. "The ground-work of another of these Saxon castles is yet remaining at Witham, being between the church and the town; the form and size of it are yet very visible. This castle was likewise built by Edward the Elder, who resided at the castle of Maldon while this was completing, which was about the year 912 or 914. The middle circle contains the keep or castle, and is about 160 yards in diameter, and 486 yards round; the ditch is, in its present state, 260

generally placed on the brow of a steep hill, on a neck of land running into a river, or some such situation of natural strength; and as the art of war and the attack of fortified places had made then but little progress, the security they conferred was equal to the exigencies of the times.

In the earliest age of Saxon architecture, or at times when a temporary fortification was speedily required, it was common to build the walls round the castles of strong wooden beams. We learn, for instance, from the *Scala Chronicle*, that "Ida caused the castle of Bamborow to be walled with stone, that afore was but inclosed with woode;"<sup>1</sup> and the castle of Old Bale, in Yorkshire, is described by Camden as being at first fortified with thick planks of wood, eighteen feet in length, and afterwards encircled with a wall of stone. These stone walls were constructed in a singular manner. They were faced, both without and within, with large square blocks; and the space between the facings was filled with a deposit of small rough flint stones or pebbles, mixed up with a strong cement of liquid quick-lime.<sup>2</sup>

In the progress of years, the Saxons made great improvement in the art of building, and, in point of strength and security, their castles were capable of sustaining a creditable siege; but the apartments were low, ill-lighted, and gloomy; and it is not till some feet in breadth, and beyond the ditch is the external *vallum*, which is yet in a very perfect condition, full four feet high, and 18 or 20 feet in breadth, the circumference of the whole being about 1000 yards."

<sup>1</sup> Leland's *Collectanea*, vol. i. p. 514.

<sup>2</sup> Will. Malmesbury says, speaking of King Athelstan, "*Urbem igitur illam (Exeter) quam contaminatæ gentis repurgio defæcaverat, turribus munivit, muro ex quadratis lapidibus cinxit.*" *Willelmi Malmesburiensis Monachi. Gesta Regum Anglorum*, vol. i. p. 214, edited, for the English Historical Society, and enriched with valuable notes, by my learned friend, Mr Hardy, Principal Keeper of the Records in the Tower.

time after the Conquest that we find the Norman style of architecture introduced, and a more lofty and magnificent species of structures beginning to arise in England, and to make their way, with the arts and the manners of this great people, into Scotland. Owing, however, to the remote era in which the Scoto-Norman castles were built, time, and in some instances the tasteless and relentless hand of man, have, in our own country, committed great ravages. The necessary policy, too, of Bruce, who dismantled and destroyed most of the castles which he took, has been fatal to the future researches of the antiquary and the historian ; and few fragments remain which can, on satisfactory grounds, be pronounced older than the reign of this monarch. Yet the records of the Chamberlain Accounts, and the incidental notices of our early historians, furnish us with ample evidence that, in the building of castles and fortalices, and in the erection of those magnificent churches of which little but the ruins are now seen, Scotland had made great progress during the thirteenth century.

We have already seen the effectual precautions against attack which were taken by Alexander the Third, when it became certain that Haco the King of Norway had determined to invade his kingdom. The castles on the coast of Scotland were carefully inspected ; and from the details regarding their repairs, which are to be found in the few extracts that remain of the Chamberlain Accounts under this monarch, some interesting information may be gathered.

The northern coast of Scotland was defended by a series or chain of strong castles of stone, fortified by towers and drawbridges, and containing a dungeon, provided with iron fetters for the prisoners, accommodation for the stores and warlike engines, guard-rooms

for the garrison, and a great hall or state apartment where the baron or castellan resided and entertained his vassals. Their situation was generally chosen with great skill. If on the coast, advantage was taken of the vicinity of the sea; if in the interior, of some river or hill, or insulated rock, which rendered the approach on one side arduous or impossible, while care was taken to fortify the remaining sides by a deep fosse, and strong walls, with towers at each angle. Caerlaverock, a strong castle of the Maxwells, is thus described by an eye-witness in the year 1300, when it was besieged and taken by Edward the First:—"Its shape was like that of a shield, for it had only three sides all round, with a tower on each angle; but one of the towers was a double one, so high, so long, and so large, that under it was the gate with the drawbridge, well made and strong, and a sufficiency of other defences. It had good walls, and good ditches filled to the edge with water; and I believe there never was seen a castle more beautifully situated: for at once could be seen the Irish sea towards the west, and to the north a fine country surrounded by an arm of the sea; so that no living man could approach it on two sides without putting himself in danger of the sea. Towards the south the attack was not easy, because there were numerous dangerous defiles of wood and marshes, besides ditches where the sea is on each side, and where the river makes a reach round; so that it was necessary for the host to approach it towards the east where the hill slopes."<sup>1</sup>

This minute description of Caerlaverock may, with slight alterations, introduced by the nature of the ground, or suggested by the fancy and ingenuity of

<sup>1</sup> Siege of Caerlaverock. Edited, with notes, by Sir Harris Nicolas, pp. 61, 62.

the architect, be applied to most of the Scottish castles of the period. Two principles were to be followed out in their construction : they were to be fitted, in the first place, for strength and resistance ; whilst, according to the rank of the feudal baron, provision was to be made for his being comfortably or splendidly accommodated ; and although the first requisite was invariably made to regulate and control the second, yet it is impossible not to admire the skill and ingenuity with which the genius of those ancient architects contrived to combine security and comfort. The earliest specimens of the strong Anglo-Norman castle present us with a single square tower ; and it is evident that the lowest story of the castle, being most exposed to attack, was required to be formed in the strongest manner. We find, accordingly, that the walls in this part of the building, which formed the chambers where the stores were kept, and the dungeons for the prisoners, were invariably the strongest and thickest part of the building. These lower apartments were not lighted by windows, but by small loop-holes in the solid stone, so ingeniously constructed, that it was nearly impossible from without to discharge into them any arrow or missile, so as to injure the soldiers within. The wall itself, which was here about twelve feet thick, was built in the same way as those of the Saxon castles, being cased within and without with strong large square blocks of hewn stone, and filled up in the middle with flints imbedded in fluid mortar ; and we know that the same mode of building was employed in both countries, not only by an examination of the Scoto-Norman castles which remain, but by the evidence of the entries in the Chamberlain Accounts.<sup>1</sup> The entrance or principal

<sup>1</sup> Thus in the Chamberlain Accounts, Temp. Alex. III. p. 64.  
“ Item in conductione cementariorum, et hominum fragantium lapides

door leading into the castle, was not in the lower story, but, for the purpose of security, generally placed pretty far up the wall, and communicating, by a draw-bridge,<sup>1</sup> with a flight of steps or staircase of strong masonry. The door itself was not only secured by a strong gate of thick oak, with iron knobs, but by a portcullis or grating, composed sometimes wholly of iron, sometimes of timber fenced with iron, furnished at the bottom with sharp spikes, and so constructed as to slide up and down in a groove of solid stone work, made within the body of the wall, in the same way as we see a sash window slide in its frame.<sup>2</sup> Within the doorway, and built in the thickness of the wall, was generally a stone seat, where the warder stationed himself, whose duty it was to keep castle guard, and who could at pleasure pull up the drawbridge and lower the portcullis when he suspected an attack, or wished to have a safe parley with a suspicious guest. On the second floor were the apartments where the soldiers of the garrison had their residence and lodging, and which, as it was much exposed to attack, had generally no windows in the front wall. The rooms were lighted by loop-holes in the three remaining sides, which, surrounded by the strong wall enclosing the *ballium* or outer court of the castle, were more secure from the missiles of the enemy. The third floor contained the apartments of state, the hall of the

*fabrorum, et aliorum operariorum. In pastu et ferrura Equorum cariancium lapides, in calcem et in aliis minutis expensis factis circa construcionem Castri de Strivelin.*" 94 lib. 17 d. See *Statist. Account*, vol. xviii. p. 417; *Description of Kildrummie Castle, and of Dundargue*, vol. xii. p. 578.

<sup>1</sup> See the *Description of the Ancient Castle of Dunaverty in Argyle*, in which Bruce took refuge. *Statistical Account*, vol. iii. p. 365.

<sup>2</sup> Mr King's *Observations on Ancient Castles*, published in the *Archæologia*, vol. iv. p. 364, containing an acute and ingenious examination of this interesting subject.



castle where the baron lodged his friends and feasted his vassals. It was lighted by Gothic windows, highly ornamented, and was commonly hung with arras or rich tapestry, and adorned by a roof of carved oak. At each end of the apartment was a large recess in the wall, forming an arched fire-place, highly ornamented with carving, and frequently formed so as to have a stone seat all round; and in the middle of the hall was an oaken table, extending nearly the whole length of the apartment, and supported on beams or pillars of oak.

One of the finest specimens of the ancient feudal hall is still to be seen at Darnaway, once the seat of the great Randolph. Its roof is supported by diagonal rafters of massive oak; its height must originally have been above thirty feet, and its remaining proportions are eighty-nine feet in length, by thirty-five in breadth. At one end is a music gallery; and in the middle of this magnificent apartment still stands the baron's board or table, supported on six pillars of oak, curiously bordered and indented with Gothic carving. His ancient oaken chair, in form not unlike the coronation chair at Westminster, and carved with his arms and the insignia of his office,<sup>1</sup> is still seen; and although this description of Randolph's hall is not to be understood as applicable to the state apartment of all, or even of most, of our feudal castles, yet, making allowance for the difference in the proportions, the plan and disposition of the room is the same in all, and was singularly well adapted for that style of rude and abundant hospitality, when every man who followed the banner of his lord found a seat at his table, and every soldier who owned a jack and a spear might

<sup>1</sup> Statistical Account, vol. xx. p. 224.

have a place at his hearth. The uppermost story in the castle was composed of rooms of smaller dimensions, which were lighted by windows of considerable size; and in this highest floor, as from the great height there was little precautions to be taken against attack, the architect was at liberty to indulge his fancy in ornamenting the windows and the battlements; so that it is not unfrequent, in the most ancient feudal castles, to find the windows in the floor next the roof of the largest dimensions, and with the richest carving of any in the building. It was in these highest rooms that, during a siege, the catapults, balistæ, war-wolfs, and other instruments of annoyance and destruction, were placed; and there was a communication between this highest story and the roof, through which they could be drawn up upon the leads of the castle as the exigencies of the siege required.

Such was the general construction and disposition of the feudal castles of those remote times; and any one fond of antiquities, and interested in the history of the country, may, in the course of a short tour in Scotland, convince himself of the truth of the description. Some, of course, were of larger dimensions, and covered a much greater extent of ground than others; and according to the required strength and importance of the station, and the nature of the ground, to many was added an outer or base court, surrounded by walls and flanking towers. Besides this, the castle itself was commonly encircled by a strong outer wall, communicating with a tower, the interior of which formed a kind of vestibule to the principal entrance of the castle; whilst, beyond the wall, was a broad breast-work or barbican, and a moat, which encircled the whole building. In 1325, Bruce had commanded the castle of Tarbet to be inspected and repaired, and a

minute account of the expense laid out in increasing the breadth of the walls, building a new tower, and fortifying the approach by a fosse, is to be found in the Chamberlain Accounts. The repairs appear to have occupied seven months; and during this period there was a consumption of seven hundred and sixty chalders of burnt lime, the expense of the whole work being four hundred and thirty pounds ten shillings and five pence.<sup>1</sup>

Besides these stone buildings, adapted principally for strength and defence, it was common to construct halls, and other apartments of wood, within the outer court, and even to build castles and fortifications entirely of that perishable material. In the hall, the wooden framework, composed of strong beams of oak, was covered with a planking of fir, and this again laid over with plaster, which was adorned with painting and gilding,<sup>2</sup> whilst the large oak pillars supporting the building rested in an imbedment of strong masonry. When the Earl of Athole was assassinated by the Bissets at the tournament at Haddington, in the early part of the reign of Alexander the Third, the *hospitium* in which he slept and was murdered seems to have been a wooden building; and after the deed, the perpetrators burnt it, and a manor and palace connected with it, to the ground.<sup>3</sup>

<sup>1</sup> The items of the accounts will be found printed in the Illustrations. Chamberlain Accounts, Compot. Const. de Tarbart, pp. 3, 4.

<sup>2</sup> Chamberlain Accounts, p. 6. "In servicio duorum carpentarium arca levacionem Aule in Castro . . . In servicio portancium et cariancium lutum et sabulonem pro parietibus Aule, et servicio diversorum operariorum circa easdem, et servicio tauberiorum et coopien-cium, cum servicio duorum cimentarium subponencium postes Aule cum petris et calce 15sh. 8d." Ibid. p. 38. "Item in VI. petris crete empt. pro pictura nova Camera apud Cardross." See also Strutt's Manners and Customs of the People of England, vol. ii. p. 95.

<sup>3</sup> Fordun a Goodal, vol. ii. p. 72.

There is a curious passage quoted by Camden, which, in describing the siege of Bedford castle, during the reign of Henry the Third, throws considerable light on the disposition of these ancient buildings ; and as the account is written by an eye-witness of the siege, the information is valuable and authentic. " On the east side was one petrary and two manganells daily playing upon the tower, and on the west were two manganells battering the old tower : as also one on the south, and another on the north part, which beat down two passages through the walls that were next them. Besides these, there were two machines constructed of wood so as to be higher than the castle, and erected on purpose for the slingers and watchmen ; they had also several machines where the slingers and cross-bowmen lay in wait ; and another machine called cattus, under which the diggers that were employed to undermine the castle, came in and went out. The castle was carried by four assaults. In the first was taken the barbican ; in the second they got full possession of the outer ballia ; at the third attack, the wall by the old tower was thrown down by the miners, from which, by a vigorous attack, they possessed themselves of the inner ballia through a breach. At the fourth assault, the miners set fire to the chief tower on the keep, so that the smoke burst out, and the tower itself was cloven to that degree as to show visibly some broad rents, whereupon the enemy surrendered."<sup>1</sup>

In the various sieges which occurred in Scotland during the war of liberty, the same mode of attack was invariably adopted, by mining and battering the walls, and wheeling up to them immense covered

<sup>1</sup> Camden, in Bedfordshire, p. 287, quoted in Strutt's *Manners and Customs*, vol. i. pp. 94, 95.

machines, divided into different stages, from which the archers and cross-bowmen attacked the soldiers on the battlements of the castle.

With regard to the houses within burgh, which were inhabited by the wealthy merchants and artisans, and to the granges and cottages which formed the residence of the free farmers, the *liberi firmarii*, and of the unfortunate class of bondmen or *villeyns*, they appear to have been invariably built of wood. In the year 1243, eight of the richest burghs in Scotland were consumed by fire, and reduced to ashes;<sup>1</sup> and in the Chamberlain Accounts we constantly meet, amongst the items of royal expenditure, with the sums paid to the carpenter, and the moneys laid out in the purchase of wood, for the construction of new granges, sheds, and cottages, upon the various manors possessed by the king. In 1228, Thomas de Thirlestane, one of those lowland barons who had made his way into Moray, was attacked and slain in his stronghold, by Gillescop, a Celtic chief, who afterwards destroyed several wooden castles in the same country, and consumed by fire a great part of Inverness;<sup>2</sup> and we know that the practice of building the houses within burgh of wood continued to a late period, both in England and Scotland. We generally connect the ideas of poverty, privation, and discomfort, with a mansion constructed of such a material; but the idea is a modern error. At this day the mansion which Bernadotte occupied as his palace when he was crowned at Drontheim, a building of noble proportions, and containing splendid apartments, is wholly built of wood, like all the houses in Norway; and from the opulence of the Scottish burghers and merchants,

<sup>1</sup> Fordun a Goodal, vol. ii. p. 75.

<sup>2</sup> Ibid. pp. 57, 58.

during the reigns of Alexander the Third and David the Second, there seems good reason to believe, that their houses were not destitute either of the comforts, or what were then termed the elegancies, of life.

I come now to say a few words upon the third, and by far the noblest class of buildings, which were to be seen in Scotland during this remote period: the monasteries, cathedrals, and religious houses. Few who have seen them but will confess that, in the grandeur of their plan, and the extraordinary skill and genius shown in their execution, they are entitled to the highest praise; and if we read the description given in a monastic chronicle in the British Museum, of the earliest church at Glastonbury,<sup>1</sup> composed of wooden beams and twisted rods, and turn from this to the cathedral of St Magnus in Orkney, to the noble pile at Dunfermline, to the more light and beautiful remains of Melrose abbey, or to the still more imposing examples of ecclesiastical architecture in England, the strength of original genius in the creation of a new order of architecture, and the progress of mechanical knowledge in mastering the complicated details of its execution, are very remarkable.

There cannot be a doubt that we owe the perfection of this noble style to the monks; and although the exact era of its first appearance, either in England or in our own country, is difficult to be ascertained with precision, yet there are some valuable and interesting notices in our early historians, which make it probable that our first masters in the art of building churches in stone were the Italians. It may have happened that some of those master-minds which appear in the darkest times, when they had once

<sup>1</sup> Cotton MS. Tib. A. V. Bede, Hist. Eccles. Gentis Anglorum, p. 169.

acquired a degree of skill in the management of their materials, struck out the idea of imitating in stone the wooden edifices of the period; and when working from models of twisted willow rods, the pliable material of which the walls and ornaments of our ancient religious houses were constructed,<sup>1</sup> the ideas of the arch, the pillars, the groined roof, and the tracery of the windows, began gradually to develop themselves in a manner shown, by an able and acute writer,<sup>2</sup> to be perfectly natural and intelligible. Indeed, when the idea was once seized, and it was found that the knowledge of working in stone, and of the mechanical powers which the age possessed, was sufficient to reduce it to practice, we can easily conceive that its future progress towards perfection may have been tolerably easy and rapid.

The infinity of beautiful Gothic forms which are capable of being wrought, and which almost necessarily suggest themselves to an artist working in willow, and the admirable skill in carving and imitating in stone which was acquired by the monkish artists at an early period, produced an action and re-action on each other; and the same writer already mentioned has shown, by a careful analysis of every portion of a Gothic church, that there is not a single ornament in its structure and composition which does not serve to corroborate this idea. As to our earliest Norman builders having been instructed by the Italians, there is historical evidence. In the year 1174, the cathedral church at Canterbury was destroyed by fire; and in a description by Eadmer, a contemporary writer, it is stated, that this ancient

<sup>1</sup> Simeon Dunelm, p. 27.

<sup>2</sup> Sir James Hall's *Essay on the Origin, History, and Principles of Gothic Architecture*.

edifice was built by the assistance of Roman artists, after the model of the church of St Peter's at Rome.<sup>1</sup>

That the most ancient churches in Britain were constructed of pillars and a frame-work of oak, covered with reeds, or twisted rods, we know from authentic evidence; and it is asserted by Gervas, in his account of the rebuilding of the church of Canterbury, after its destruction by fire, that, whereas in the ancient structure the roof had been composed of wood, and decorated with exquisite painting, in the new church it was constructed of an arch, built of stone, and light tuffe-work.<sup>2</sup> Nay, even the name of the adventurous artist who first seems to have conceived the bold idea of working the ribbed and vaulted ceiling in stone, in the same way in which it had formerly been executed in wood, has been preserved to us: it was William of Sens, a French artist. He invented, also, as we learn from the monkish historian, who was an eye-witness of his labours, ingenious machines for the loading and unloading the ships which brought the stones from foreign parts, in all probability from Normandy, as well as for raising aloft the immense weights of lime and of stone which were required in the building; he furnished the stone-cutters with working plans, or models, which guided them in their nice and difficult operations; and he began to form the ribbed arches and vaulted panels upon a frame-work of timber, to which was attached the scaffolding where the masons stood. As the building proceeded, this scaffolding unfortunately gave way, and the adventurous artist was incurably maimed. But he had struck out the idea; and it was more successfully carried into execu-

<sup>1</sup> *Chronica Gervasii, Pars Prima, de Combustione et Reparatione Durobornensis Ecclesie.* 1290. Twysden, vol. ii.

<sup>2</sup> *Chronica Gervasii*, p. 1298.



tion by an English architect, who succeeded him.<sup>1</sup> It is the opinion of the acute writer who has pointed out this first and most important step in the progress of our ecclesiastical architecture, that the idea of ornamenting the great pillars with groups of smaller columns surrounding them, was introduced at the same period, and by the same artist.<sup>2</sup>

The art of executing large and magnificent buildings in timber frame-work, was carried to high perfection in the northern countries of Europe during the tenth, eleventh, and twelfth centuries. It had made great progress in England, and was there known and practised in the building of churches, under the name of the Teutonic style. Owing, however, to the perishable nature of the materials, and to accidents by fire, these churches were frequently either destroyed, or reduced to a state of extreme decay; so that the ruinous state of the ecclesiastical edifices in the northern parts of Europe became a serious subject of inquiry at Rome about the commencement of the thirteenth century, and measures were taken to obviate the grievance. These measures were of a singular nature. The pope created several corporations of Roman and Italian architects and artisans, with high and exclusive privileges; especially with a power of settling the rates and prices of their labour by their own authority, and without being controlled by the municipal laws of the country where they worked. To the various northern countries where the churches had fallen into a state of decay were these artists deputed; and as the first appearance of the Gothic architecture in Europe was nearly coincident with this mission of

<sup>1</sup> See *Archæologia*, vol. ix. p. 115. Governor Pownall on Gothic Architecture.

<sup>2</sup> *Ibid.* p. 116.

Roman artists, and, as has already been observed, the new style of imitating the arched frame-work of wood by ribbed arches of stone was known by the name of the Roman style, there arises a presumption, that we owe this magnificent style of architecture to these travelling corporations of artists, who, in consequence of the exclusive privileges which they enjoyed, assumed to themselves the name of Free Masons, and under this title became famous throughout Europe.<sup>1</sup> These same corporations, from their first origin, possessed the power of taking apprentices, and admitting into their body such masons as they approved of in the countries where their works were carried on; so that, although the style may have originated amongst Italian artists, it is quite possible it may have been brought to perfection by other masters, who were natives of the different countries to which these Roman workmen were sent; and this will account for the fact, that the church at Canterbury, in which the ribbed arch of stone is supposed to have been introduced for the first time into England, was originally the work of a Norman, and afterwards completed by an English architect.

In speaking of these corporations of architects of the middle ages, Sir Christopher Wren has given, in the "*Parentalia*," the following account of their constitution:—"The Italians, with some Greek refugees, and with them French, Germans, and Flemings, joined into a fraternity of architects, procuring papal bulls for their encouragement, and particular privileges: they styled themselves Free Masons, and ranged from one nation to another as they found churches to be built; for very many, in those ages,

<sup>1</sup> Sir James Hall's *Essay on Gothic Architecture*, pp. 109, 114.

were every where in building, through piety or emulation. Their government was regular; and where they fixed near the building in hand, they made a camp of huts. A surveyor governed in chief; every tenth man was called a warden, and overlooked each nine; and the gentlemen of the neighbourhood, either out of charity, or commutation of penance, gave the materials and the carriages. Those," adds Sir Christopher, "who have seen the accounts, in records, of the charge of the fabrics of some of our cathedrals, near four hundred years old, cannot but have a great esteem for their economy, and admire how soon they erected such lofty structures."<sup>1</sup>

This new and noble style of ecclesiastical architecture found its way into Scotland about the beginning of the twelfth century; and, fostered by the increasing wealth of the church, and by the devotion and munificence of our early monarchs, soon reached a pitch of excellence not far inferior to that which it had attained in England and in France. Besides fourteen bishops' sees, to most of which was attached a Gothic cathedral and palace, there existed, at the time of the Reformation, a hundred and seventy-eight religious houses, consisting of abbacies, priories, convents, and monasteries, most of which were richly endowed, situated in the midst of noble woods, surrounded by spacious gardens, parks, and orchards; and exhibiting, in the style of their architecture, specimens of the progressive improvement of the art, from the simple and massy Saxon, to the most florid Gothic. It is subject of deep regret, that some of the strong-minded

<sup>1</sup> *Parentalia*, pp. 306, 307. I have in vain looked for the original authorities upon which Sir Christopher Wren and Governor Pownall have founded this description of the travelling corporations of Roman architects.

and strong-handed spirits who afterwards acted a principal part in the Reformation, adopted the erroneous idea, that these noble edifices were inconsistent with the purity of the worship which they professed; and that they permitted, or, as some authors have asserted, encouraged the populace to destroy them.

---

## SECTION VI.

## SPORTS AND AMUSEMENTS.

In this inquiry, where an attempt has been made to give something like a civil history of the country, the sports and amusements of our ancestors form a subject of interesting research; although here, as on almost all other similar points, we have to lament the extreme scarcity of authentic materials. The chivalrous amusements of Scotland appear to have been the same as in the other feudal countries of Europe. Hunting and hawking, the tourney or play at arms, the reading of romances, the game of chess, masques and feasts, minstrelsy and juggler's tricks, with the licensed wit of the fool, filled up the intervals of leisure which were spared from public or private war.

With regard to hunting, the immense forests with which, as we have already seen, our country was covered during this period, gave every facility for the cultivation of this noble pastime; and there is ample evidence that, at an early period, the chase formed one of the principal recreations of the kings and the barons of Scotland. David the First recounted to Ethelred abbot of Rievaulx, an anecdote regarding Malcolm

Canmore, his father, which illustrates this in a minute and striking manner. Malcolm had received private information that a plot against his life was laid by one of his courtiers in whom he placed confidence. The king took no notice of the discovery, but calmly awaited the arrival of the traitor with his vassals and followers at court; and when they came, gave orders for his huntsmen and hounds to prepare for the chase, and be waiting for him on the first dawn of the morning. "And now," says Ethelred, "when Aurora had driven away the night, King Malcolm assembled his chief officers and nobles, with whom he proceeded to take the pastime of the chase in a green plain, which was thickly surrounded by a wood. In the middle of this forest was a gentle eminence, profusely covered with wild flowers, in which the hunters, after the fatigues of the chase, were accustomed to repose and solace themselves. Upon this eminence the king stood; and, according to that law or custom of the chase which the vulgar call the *trysta*, having allotted certain stations to the different nobles and their dogs, in such a manner that the game should meet death wherever it attempted to make its escape, he dismissed them, but requested the traitor to remain alone with him, whilst the rest departed. When this was done, the king took him aside to a more remote part of the wood, and drawing his sword, informed him that he knew well the whole of his treachery. 'We are alone,' said he, 'and on an equal footing, as becomes brave men; both are armed, both are mounted; neither of us can receive assistance. You have sought my life: take it, if you are able.'"<sup>1</sup> It is hardly necessary to add, that this heroic conduct of the king was followed

<sup>1</sup> Ethelredus de Genealogia Regum Anglorum, p. 367. Inter X Scriptores Twysden, vol. i.

by the immediate contrition and pardon of his heart-struck vassal.

The use of the term *trysta* in this passage enables us to throw some additional light upon the ancient customs of the chase in Scotland. The law of *trysta*, which Ethelred here alludes to, was one by which the king's vassals, when he took the pastime of the chase, were bound to attend the royal muster at the ground appointed, with a certain number of hounds; and the phrase yet used in Scotland, to "keep tryst," seems to be derived from this ancient practice in wood-craft.<sup>1</sup> In the Highlands at this day, the mode of hunting by what is called a *tenkle* is very similar to the *trysta* held upon this occasion by Malcolm Canmore. David the First appears to have been no less fond of hunting than his father Malcolm. Indeed, we may believe that his intimate connexion with England, previous to his coming to the throne, must have given him an additional love for an amusement which the Normans then followed with an enthusiasm which transformed it from a recreation into a science. Accordingly, when Robert de Bruce, previous to the great battle of the Standard, in which David was so cruelly defeated, employed his eloquence to persuade the king, his old friend and brother in arms, to desist from his unjust invasion of England, he not only mentions the mutual perils and labours which they had shared, but especially alludes to the delight which they had experienced in the chase, and the pleasures of hawking and hunting;<sup>2</sup> and in that beautiful and touching eulogium which Ethelred has left us of the same monarch, who was his friend

<sup>1</sup> Du Cange, voce *Trista*, who quotes Coke, part iv. Institut. p. 306. In a charter of Edward III. Monast. Anglican. vol. ii. p. 827, we find, "Et sont quieti de Henedpenny, Huckstall, et Tristis."

<sup>2</sup> Ethelredus de Bello Standardi, p. 345.

and patron, we find this testimony alike to his humanity and his love of the chase. "Often with these eyes have I seen him draw back his foot when it was already in the stirrup, and he was just mounting to follow the diversion of the chase, should the voice of any poor supplicant be heard petitioning for an audience; the horse was left, the amusement for that day given up, and the king would return into his palace."<sup>1</sup>

Whether William the Lion, or Alexander the Second, the immediate successors of David the First, were much addicted to this healthy and heart-stirring exercise, we have no ground to determine; but Alexander the Third certainly kept a falconer, and the sums of money expended in the support of his hawks and dogs, appear in those valuable fragments of the Chamberlain Accounts of this early reign, which have been already so often quoted. In 1263, this monarch enjoyed the sport of hawking at his palace of Forfar, where, along with his queen and nobility, he held his court for twenty-nine weeks; and the expenses of the king's horses, of his falcons, and even of a bitch with seven puppies, are minutely recorded.<sup>2</sup> Besides the grain consumed by these winged and four-footed favourites, the king had to pay the sum of eight pounds twelve shillings and six pence to his falconer, William

<sup>1</sup> Fordun a Hearne, vol. iv. p. 940.

<sup>2</sup> *Computum E. de Montealto Vicecomitis de Forfar*, pp. 12, 13. "Redditus farine ordeï de illo anno de Forfar et glammes, ix celd. v boll. farine ordeï. Expens. in servicio regis iiii celd. ii bol. et i fir-thelota. Item in servicio regine novem boll et dimidium. Item in expensis septem catulorum et eorum matris prehendingancium etc. iiii celd. x lib. . . . Item in expensis Willielmi de Hamyll prehendingantis apud Forfar cum falconibus dni regis per xxix septimanas et duos dies anno 1263, viii C. et dimidium celdre, et tres partes unius boll. Item in expensis Equorum dni regis prehendingancium apud Forfar usque ad diem hujus computi xiiii C. et vi bol. prebende." Ibid. p. 38, we find the four falconers of Dunipace.

de Hamyll; and that of four pounds seven shillings to the grooms who kept his horses.<sup>1</sup>

It appears to have been the custom of our monarchs to remove their court at different seasons to the various palaces, estates, or manors, which they possessed in private property; and on such occasions, as well as when the exigencies of the state required the personal presence of the sovereign in any part of his dominions, the hounds of the royal household formed part of the equipage which accompanied him.<sup>2</sup> About the same period, the preservation of the game; the enclosing the parks or chases round the royal castles by strong wooden pales; the feeding the does during the winter; the employment of park-keepers, whose business was to guard the forest from waste or intrusion; and of fox-hunters, who were hired to destroy the beasts of prey and noxious vermin, are all occupations which appear in the Chamberlain Accounts, and evince a sedulous attention to the sports of the field.<sup>3</sup>

In the romance of Sir Tristrem, which may be quoted as good authority for the manners of Scotland in the days of Alexander the Third, we meet with some characteristic pictures of the sports and amusements of the times; and amongst these the chase holds, as might be expected, a most conspicuous place. The hero is the very king of hunters; and his profound acquaintance with the mystery of wood-craft is dwelt upon with a fond minuteness, which proves how high was the place which the science occupied in what were then considered the accomplishments of a brave and perfect knight. Tristrem, in travelling through

<sup>1</sup> *Comptum E. de Montealto Vicecomitis de Forfar*, pp. 13, 14.

<sup>2</sup> *Ibid.* p. 20.

<sup>3</sup> *Comptum Patricii de Graham Vicecomitis de Strivelin. Chamberlain Accounts*, p. 61.



a forest, encounters a company of huntsmen, who are returning from the chase with their hounds in leash, and the game which they had slain. He is scandalized at the awkward and unsportsmanlike manner in which they had broke up the venison; and on upbraiding them for their want of science, an unflayed hart is thrown down before him, and he is courteously requested to give them a lesson. This he performs in a manner so masterly and admirable, that the huntsmen are in ecstasies; and this new and superior mode of carving the buck is communicated to the king of the country, who esteems himself fortunate in having lived at an era when knowledge was destined to make so important a step towards perfection.<sup>1</sup> From the whole adventure, it is evident, that to break up a stag, or, in the language of Sir Tristrem, to "dight the erber" according to the most scientific method; to give his rights to the forester, the nombles to the hunters and spectators, the quarre to the hounds, and the expected corbin bone to the raven; to allot the due portion to himself as carver; to tie up the paunch with the grease; to preserve the gurgiloun; and, lastly, to recite the appropriate rhyme, and blow the tokening or death-note, were considered matters of deep study, and of no very easy attainment, which in those early ages formed a material part of a chivalrous and noble education, and which, it must be observed, constituted only a small portion of the complicated science of wood-craft. It is evident that Robert Bruce, who seems to have been accounted one of the most accomplished knights of his time, was an adept in the mysteries of the chase. He winds his horn in so masterly a way, that Sir James Douglas instantly

<sup>1</sup> Romance of Sir Tristrem, pp. 31, 32, 33. Fytte i. stanza 41 to 49 inclusive. Notes, p. 277.

pronounces that blast to be none but the king's; and the strength with which he draws the bow, and the unerring aim with which the shaft is directed, are particularly mentioned by Barbour. Indeed, for many months, when he led the life of a proscribed and wandering fugitive, he and his followers were driven to support themselves by the chase;<sup>1</sup> and there is evidence in the Chamberlain Accounts, that his dogs, his falcons, his horses, and his huntsmen, were afterwards subjects of considerable care and expense.<sup>2</sup>

At a remote period, indeed, we find that the Scottish stag-hounds and wolf-dogs were prized in foreign countries;<sup>3</sup> and, under the reign of David the Second, the character of the Scottish dogs and falcons stood so high, that they became an article of export;<sup>4</sup> while in the charters of the island lords, the eyries of falcons are particularly mentioned.<sup>5</sup> The hawks of Norway, however, for strength and flight, were the most famous in the world; and there is a curious early notice in Sir Tristrem, which shows that the Norwegian merchant-ships imported them into Scotland.

Ther com a schip of Norway  
To Sir Rohante's hold,  
With hawkes white and grey,  
And panes fair y fold.<sup>6</sup>

<sup>1</sup> Barbour, pp. 40, 55, 80, 107.

<sup>2</sup> "Gilisio Venatori ex dona dni regis p. lram. 13 sh. 4 d." Comptum Constab. de Cardross, p. 39. Chamberlain Accounts. Ibid. p. 40. "Item pro emendatione et tectura domus cuidam pro falconibus ibidem, cum constructione cuidam sepis circa ipsam domum 2 sh." Ibid. p. 44. "Item Gilisio venatori capiente boll. per iii. septimanas," &c.

<sup>3</sup> Sir James Ware's *Antiquities of Ireland*, vol. ii. p. 166. Edition by Harris.

<sup>4</sup> *Rotuli Scotiæ*, p. 891. 20th May, 1365. "Salvus' Cond. pro Scutifero Godefridi de Roos Canes, et Falcones e Scotia ducturo."

<sup>5</sup> Robertson's *Parliamentary Records*, p. 89. Carta Reginaldi Filii Rodorici. "*Una cum cæcis falconum.*"

<sup>6</sup> Sir Tristrem, p. 25, notes, p. 274. Ware's *Antiquities of Ireland*, in his *Works* by Harris, vol. ii. p. 172.

In the Chamberlain Accounts, the falconer of John of the Isles appears bringing falcons to David the Second;<sup>1</sup> and, from the enthusiasm with which the sport of hawking is described in the early romances, and the gravity with which its mysteries are explained, we may conclude, that in Scotland, as in the other countries of Europe, it was esteemed one of the most fascinating of feudal pastimes. It is easy, indeed, if we carry our mind back to the thirteenth or fourteenth century, to imagine how imposing and delightful must have been those field sports of our ancestors. Let us for a moment dwell on the picture. We see the sun just rising upon a noble chase, or park, with breezy slopes and gentle undulations, variegated with majestic oaks, and getting wilder and more rugged as you approach the mountains that surround it. His level rays are glancing on the windows of a baron's castle, and illuminating the massy gray walls, till they look as if they were built of gold. By and by, symptoms of busy preparation are seen: horses are led into the court; knights, squires, and grooms, are booting and mounting, and talking of the coming sport; the huntsmen and the falconer stand ready at the gate; and the ladies' palfreys, led by their pages, are waiting for their fair mistresses. At last these gentle dames descend from their bower, and each, assisted by her favourite knight, "lightly springs to selle;" the aged baron himself is gravely mounted, and leads the way; and the court of the castle rings with hoof and horn as the brilliant and joyous cavalcade cross the draw-bridge, and disperse themselves through the good greenwood. There are few who could resist a wish to join in the pastime.

<sup>1</sup> Chamberlain Accounts, p. 282. "*Cuidam falconario Johannis de Insulis portant. falcones dni regis 13 sh. 4 d.*"

Within doors, and when not occupied by war or the chase, we are apt to believe that the time must have passed somewhat heavily with our ancestors : yet here, too, they had their resources. In the first place, their solemn feasts and banquetings were on a great scale, occupied much of their attention, and were not speedily concluded, if we may form an opinion from the variety and quantity of the viands.

All great occasions of festivity or solemnity, such as baptisms and marriages, the installation of bishops, or other dignified churchmen, the recurrence of Christmas and the new year, the birthday of the king or the prince, it was the custom of those ancient times to commemorate by feasts; and the Chamberlain Accounts of our early monarchs afford ample evidence of the scale upon which these entertainments were conducted. Immense quantities of beef and mutton, of pork and poultry; large and constant supplies of salmon, herring, hard fish and white fish, sturgeons, lampreys, and eels in great abundance; large importations of white and red wine, with a variety of spiceries and sweetmeats, besides figs, raisins, oil of olives, gingerbread, wax, vinegar, verjuice, and porpoises, form the anomalous and multifarious articles which swell the account of William de Buthirgask, clerk of the kitchen to the good king Robert.<sup>1</sup> These were the articles of usual and daily consumption; but on occasions of unusual festivity, the entertainments were in the last degree extravagant and expensive. At the feast given at Canterbury, on the installation of Ralph abbot of St Augustine, six thousand guests sat down to a dinner of three thousand dishes;<sup>2</sup> and this was far exceeded by the splendour of the marriage banquet, when

<sup>1</sup> Chamberlain Accounts, p. 74 to 85.

<sup>2</sup> Chronica W. Thorn. p. 2010.

the Earl of Cornwall espoused Cincia, the daughter of the Count of Provence, upon which occasion thirty thousand dishes were served up to an immense assemblage of guests, who had arrived from the remote parts of England, as well as from Scotland.<sup>1</sup> In the feast which was given by the Archbishop of York, upon the marriage of Alexander the Third, sixty stalled oxen were slain to furnish out the first course, and the rest of the entertainment was on an equal scale of magnificence. It was the custom, at these feasts, to bring in the boar's head with great state: sometimes the whole boar himself, stuffed, and standing on his legs, surrounded by a fortification of pastry, from the battlements of which little flags and banners waved over the grisly savage, was ushered in, carried by the master of the feast and his servants, with the trumpets sounding before him. In like manner, the peacock, the swan, and the heron, were greatly esteemed in those times, and brought in, with their plumage unbroken, upon plateaus richly gilt, and with a net-work of gold thrown over them; whilst between the courses the guests were entertained by a species of opera, acted by little puppets of paste, in which Arthur and his Knights of the Round Table, Godfrey of Bulloign, or some such heroes, performed their parts, amidst magic islands, captive ladies, turbaned pagans, fiery dragons, and all the fantastic machinery of the period. When this was concluded, the company again resumed the feast, which was continued till a late hour, and often prolonged for many days.

These were the solemn banquets of the middle ages; but even their ordinary meals, when the baron in his feudal hall feasted his vassals twice a-day, were con-

<sup>1</sup> Math. Paris, p. 536.

ducted with rude plenty and protracted hospitality. They dined early ; and from the quantity of wines and spices imported into the country, there is reason to believe they sat late.

In the reign of Alexander the Third, the famous Thomas the Rhymer, and the Earl of Dunbar, in whose castle he lived, sat down to dinner before twelve o'clock ;<sup>1</sup> and between the diversion afforded by the licensed wit of the fools, who were kept by the king and the higher nobles, the hours spent in the game of chess, then popular, the listening to the lays of the harpers and minstrels, and the reading romances of interminable length, the day glided away.<sup>2</sup> We are to remember, also, that much time was spent in the devotions of the Catholic church ; that the labours of the needle and embroidery filled up many hours of a lady's life ; whilst the older knights and barons, who received into their castles the sons of the nobility, for the purpose of superintending their education, devoted much of their leisure to this occupation. In the speech which Walter Espec addresses to the English barons before the battle of the Standard, chess and dice are alluded to as the games in which the youthful knights passed their time ; while the reading works of history, or the listening to the *gests* of their warlike ancestors, are considered as the more appropriate employments of an aged baron.<sup>3</sup>

At an early period in our history the system of chivalry made its way into Scotland, and gave that romantic tone to the character of the people which its

<sup>1</sup> Fordun a Goodal, vol. ii. p. 131.

<sup>2</sup> Rotuli Compotorum, Temp. Alex. III. p. 4. Compotum Constab. de Cardross, p. 41. Sir Tristrem, fyfte i. sect. 29, 30. Compotus Camerarii, p. 96. Barbour, pp. 49, 54. Sir Tristrem, notes on fyfte ii. p. 306.

<sup>3</sup> Ethelredus de Bello Standardi, p. 339.

usages, in a greater or less degree, communicated to every country in Europe. The early intercourse of our country with Scandinavia, the possession of the Western Isles and of part of the mainland by the northern nations, and the circumstance that the Gothic tribes, at a remote period, had extended themselves over the whole of the lowlands, created a predisposition in favour of this system of manners; for the first rude germ of chivalry is undoubtedly to be found in the habits and the character of this heroic race of men. Their unshaken and generous courage, the high and dignified station occupied by their women, their love of enterprise and adventure, their consideration for their scalds and minstrels, and their passion for marvellous and romantic fictions, are just so many features which, with a slight change, we find in chivalry under its more advanced and artificial shape. We are not, therefore, to wonder that, even as early as the end of the eleventh century, when Duncan, assisted by the Norman knights and soldiers of William Rufus, expelled Donald Bane from the throne, the light of chivalry is seen beginning to dawn in Scotland;<sup>1</sup> but the subsequent expulsion of the Normans and English, by the Celtic population, was unfavourable for a time to its further progress.<sup>2</sup>

Under Alexander the First, and during the reign of that wise and excellent prince, David the First, some traces of chivalrous manners and education are perceptible in the education of Henry of Anjou, at the court of the latter monarch, and in the ceremony of the young prince receiving from the hands of David the order of knighthood, when he had completed his

<sup>1</sup> Sax. Chron. by Ingram, pp. 307, 310. Duncan was knighted by William Rufus.

<sup>2</sup> Simeon Dunelm. p. 219.

sixteenth year.<sup>1</sup> Under Malcolm the Fourth, and his successor in the throne, William the Lion, the thirst for knightly renown, and the existence of chivalrous manners, are distinctly seen. It was not till Malcolm had gained his spurs in France, by fighting at the siege of Thoulouse, under the banner of the King of England, that this monarch, in the city of Tours, girded the youthful king with the belt of knighthood. During the same reign, we have an example of a baron accused of treason appealing to his sword, and perishing in single combat; and the spirited speech of William the Lion, when he and a body of his barons were surprised and taken prisoners before Alnwick, "Now it will be seen who are good knights!" is decisive as to the progress of chivalry in Scotland during the twelfth century.<sup>2</sup> Indeed, the warm attachment of Richard Cœur de Lion, the most chivalrous of kings, to William the Lion, and the constant friendly intercourse which subsisted during this reign between the two countries,<sup>3</sup> could not fail to have its influence in disseminating the principles of a system which in England had taken such a hold both upon the monarch and the nation. Accordingly, when William, in 1186,

<sup>1</sup> Chron. Thom. Wikes, p. 29. From this author, as well as from Hoveden, p. 490, there is little doubt, I think, that Henry was educated at the court of David. After his military education was completed, he appears to have gone over to Normandy; and upon his return from that country to England, he repaired to David at Carlisle, and was knighted. I differ here from Lord Hailes, who pronounces it to be certain that Henry had no more than an occasional interview with David, and founds his opinion upon Gervas, p. 1366, W. Neubrig. p. 75, and J. Hagulstad, p. 277. If the reader will examine these passages, he will, I think, agree with me, that they do not support such an assertion.

<sup>2</sup> Fordun a Goodal, vol. i. p. 450. *Chronicon Sanctæ Crucis*, p. 33. *Editio Bannatynian*. Gervas, p. 1381. *Gulielm. Neubrig*. p. 237. "Illico ferociter arma concutiens, suoque verbo simul et exemplo accendens, modo inquit, Apparebit quis miles esse noverit."

<sup>3</sup> Fordun a Goodal, vol. i. p. 507. *Winton*, vol. i. p. 339.





married Ermengarde de Beaumont, part of the dower stipulated in the marriage contract consisted in the feudal services of forty knights;<sup>1</sup> and the virtues of this monarch, as they are enumerated by Winton, his tenderness and fidelity in friendship, his generous emulation and companionship with Richard in deeds of renown, his courtesy and generosity, are all of them chivalrous. A passion for religious war, and a thirst for the glory which was gained against the infidels, was the only ingredient wanting to complete the chivalrous character of the country; and this last principle is to be seen in the conduct of David earl of Huntingdon, the brother of William the Lion, who assumed the cross immediately after his marriage, and departed for the holy war, in company with Richard the First.<sup>2</sup>

Not long after the departure of the Earl of Huntingdon for the Holy Land, William Malvoisine, the Bishop of St Andrews, in a great council of the clergy, held at Perth, preached a crusade, and deputed many emissaries throughout Scotland to enforce the same holy warfare in their sermons and addresses to the people; but although multitudes of the middle and lower classes assumed the cross, they were joined by few of the rich and the powerful in the land.<sup>3</sup>

The tournaments we find an established amusement in Scotland under Alexander the Second. This monarch himself received the belt of knighthood from John king of England, and, under the reign of his successor, we see, in the remarkable debate which arose on the subject, whether the youthful monarch

<sup>1</sup> R. Hoveden, p. 632.

<sup>2</sup> It ought to be observed, however, that this crusade of the king's brother rests only on the apocryphal authority of Boece, and is not to be found in the more authentic pages of Fordun or Winton.

<sup>3</sup> Fordun a Goodal, vol. i. p. 534.

could be crowned before he was knighted, how strong a hold the system and institutions of chivalry had taken of the national mind. When Bisset was accused of the murder of the Earl of Athole, he instantly appealed to his sword. The marriage of Alexander the Third, the feasts and music, the sumptuous dresses and largesses, the future progresses of the youthful king and his consort to visit their father's court, were full of all the pomp and circumstance of chivalry. The character of Alan Durward, celebrated as being the flower of Scottish knighthood, the solemnity with which we find this order conferred by the sovereign upon the sons of the nobility at the palace of Scone, the increasing passion for the crusades, and the departure of many of the Scottish nobles for Palestine, confirm this opinion;<sup>1</sup> but it is chiefly under the reign of Bruce, and his son David the Second, that we discover the complete introduction of chivalry into Scotland.

The work, indeed, to which this great king devoted his life, was of too serious a nature to be often interrupted or encroached upon by the splendid and fantastic trifling of chivalry. Yet, in personal prowess, and the use of his weapons, Bruce was accounted one of the best knights in Europe; and in Ireland we find the king halting the army, when retreating in circumstances of extreme difficulty, on hearing the cries of a poor *lavendere*, or washerwoman, who had been seized with labour, commanding a tent to be pitched for her, and taking measures for her pursuing her journey when she was able to travel: an action full of the tenderness and courtesy so especially inculcated by chivalry, yet springing here, perhaps, not so much

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 72, 73, 80, 112, 113.



from the artificial feelings of a system, as from the genuine dictates of a brave and gentle heart. Bruce, and Douglas, and Randolph, it may be said, were too good soldiers and patriots to be diverted from their objects by the pursuit of personal adventure; but, from the nature of the long war with the English, feats of individual prowess, and gallant "points of arms" performed by a handful of brave vassals and partisans, were often the only efforts which kept up the desponding spirits of the nation; and the spirit of chivalrous adventure, and of useful patriotic exertion, thus became simultaneous and compatible in their operation.

The battle of Bannockburn, it has been said by a late writer on chivalry, was not a chivalrous battle.<sup>1</sup> In one respect it assuredly was not similar to Poitiers and Cressy, which the same writer has dwelt on with justifiable enthusiasm; for the laurels of Cressy and Poitiers were barren as to every thing but glory, while at Bannockburn, the freedom of a whole people was sealed and secured for ever. But it would be difficult, either at Cressy or Poitiers, to select two finer examples of chivalrous daring than the defeat of Clifford by Randolph, and the single combat between Bruce and Boune in the presence of the two armies: and the courtesy of Bruce to his noble captives is more natural than the overstrained generosity of the Black Prince to his royal prisoner King John. That well-known incident, the triumphant entry of the Black Prince into London, mounted on a little palfrey, whilst the person of the King of France was displayed upon a noble horse in gorgeous trappings, had something in it too ostentatious and condescending to merit

<sup>1</sup> Mill's *History of Chivalry*, vol. i. p. 402.

the encomium which has generally been bestowed on it. It is not to be forgotten, also, in estimating the comparative influence of chivalrous principles upon the character of Bruce, when compared with that of the First and Third Edwards and the Black Prince, that there does not occur during the whole reign of the Scottish king, even in those moments when most exasperated by personal injuries, and when he possessed ample power of giving loose to a spirit of revenge, a single instance of cruel or vindictive retaliation. On the other hand, the massacre of Berwick, and the imprisonment of the Countess of Buchan, by Edward the First; the intended sacrifice of the six citizens of Calais; the penurious economy with which the captive king and the Scottish prisoners were treated after the battle of Durham, by Edward the Third; and the massacre of Limoges by the Black Prince, remind us that these heroic men, although generous in the use of victory, could sometimes be irritated by defeat into cruelty and revenge. But while Bruce was true to his chivalrous faith, in kindness, courtesy, and humanity, he permitted not the love of personal adventure to interfere with that strict military discipline which he rigidly maintained; and on one memorable occasion, in his Irish campaign, the king with his truncheon nearly felled to the ground a young knight, named Sir Colin Campbell, for daring to break the array, that he might revenge an insult offered him by one of the skirmishers of the enemy.<sup>1</sup> We have

<sup>1</sup> Barbour, pp. 315, 316. See, for a duel in 1329, Chamberlain Accounts, p. 136. "*Et vic de Edinburgh pro factura Parci juxta Edinburgh ubi milites pugnabant, et in quo miles Anglie fuit devictus, vi lib. xiii sh. iiii d.*" And again, in 1364, under David the Second, Chamberlain Accounts, p. 427, "*Et Simoni Reed pro factura palicii pro duello.*"

already seen what a rich glow of chivalrous devotion was shed over the last scene of his life; and in the whole history of this singular system, which for so many centuries possessed such an influence over European manners, it will not be easy to point out a more striking event than the death of the good Sir James, in his first battle against the Moors in Spain.

In this inquiry we have not yet made any remarks upon the dress, the arms, and the warlike accoutrements of those remote times; and yet the subject, although of inferior interest to many other branches of the history of manners, is of considerable importance in estimating the civilisation of the period. Ascending, then, to that period under David the First, when, as we have already seen, his people were of a mixed race, including the tribes of Celtic original, as well as the Saxons and Normans, we find that the first-mentioned race were in dress and arms far inferior to his subjects of Gothic origin. They were armed with long spears pointed with steel, but so blunt as to be incapable of doing much execution, and which not unfrequently broke at the first thrust;<sup>1</sup> they bore also swords, and darts or javelins, and made use of a hooked weapon of steel, with which they laid hold of their enemies; their shields were formed of strong cow hide; a rough mantle, or outer coat of leather, tanned with the hair on, was thrown over their shoulders, which, on occasions of show or ceremony, was exchanged for a scarlet robe; and their under vestment was so short, that from the knee downwards the leg was wholly bare.<sup>2</sup> They allowed their hair

<sup>1</sup> Ethelredus de Bello Standardi, p. 340.

<sup>2</sup> "Hispidæ Chlamys, Crus intectum." Fordun a Goodal, vol. ii. p. 82.

and beards to grow to such a length, that their countenances were almost covered. Even their nobles and leaders appeared to have been strangers to the steel armour of the Saxons and Normans; for we have already remarked that the Earl of Strathern, on the eve of the battle of the Standard, reproached David the First for trusting too much to the steel coats of his Norman subjects; and boasted that, unarmed as he was, he would precede Alan de Percy in the onset.<sup>1</sup> This dress and these weapons were common to the whole race of the Celts; and are evidently the same with those used by the Irish, as we find them described by one of the ablest antiquaries who has written upon the subject.<sup>2</sup> The Galwegians appear to have been generally mounted; but they were accustomed to act, according to the emergency, either on foot or horseback; and by the fury of their charge, which they accompanied with loud yells of "Albyn! Albyn!" they not unfrequently succeeded in throwing into disorder, and eventually cutting to pieces, the more disciplined troops which were brought against them.<sup>3</sup> They understood also the art of defending their mountain passes by barriers of trees, which they felled, and placed transversely, so as to oppose an almost impenetrable obstacle to an invading army. But although brave to excess, and, according to their own rude degree of knowledge, skilful in war, their manners were cruel and ferocious; and the picture left us, by a faithful contemporary, of their excesses, is too revolting to be dwelt upon.<sup>4</sup>

<sup>1</sup> Ethelredus de Bello Standardi, p. 342. Ralph de Diceto, p. 573.

<sup>2</sup> Sir James Ware, *Irish Antiquities*, vol. ii. pp. 175, 176.

<sup>3</sup> Benedict. Abbas, p. 447. Rog. de Hoved. p. 813, quoted in Ritson's *Ann. of Caledonians*, vol. ii. p. 293. Richar. Prior. Hagulstad. p. 322. Ethelredus de Bello Standardi, p. 345.

<sup>4</sup> Ethelredus de Bello Standardi, p. 341.

Different in their dress, superior in their arms and warlike accoutrements, and more civilized in their manners, were the races of Gothic extraction, whom we find composing a great part of the army of David the First in the battle above alluded to, and which we can discern, from the time of Malcolm Canmore, gradually gaining upon and pressing back the Celtic population of Scotland. In the beginning of the eleventh century, Eadulph-ludel, a Saxon earl, surrendered to Malcolm the Second all his right to the territory or province of Northumberland. Previous to this, the extensive district then denominated Cumberland, including the modern shires of Cumberland, Westmoreland, and part of Lancaster, had been acquired by the Scottish princes as feudatories of England; and the marriage of David earl of Cumberland, afterwards David the First, to the daughter of Earl Waltheof, procured as an appanage to the Scottish crown a part of the ancient kingdom of Northumberland, then known by the name of the earldom of Northumberland. All that fertile and extended tract of country which was formed by the union of these successive acquisitions, and which comprehended the greater portion of the south of Scotland, was peopled by the Saxons and the Normans, whose dress and arms, at the period of which we now speak, assimilated much to each other; the superiority in the richness of the stuffs, and in the temper of the armour and the weapons of offence, being on the side of the Normans.

The sword of the Scoto-Saxons was, in all probability, exactly similar to that of the Anglo-Saxons: a long straight weapon, double-edged, and fitted both to cut and thrust. A late able English antiquary, in his deductions and delineations from ancient illuminated

manuscripts, has thrown much light upon the subject; and, following his authentic descriptions, we find that the shield was of a middle size, always convex, formed of wood covered with leather, and commonly armed in the centre with a strong sharp-pointed cone of iron.<sup>1</sup> At an early period the Saxons do not appear to have used armour for the body, but to have gone into battle with a short upper coat of leather, which was girded round the loins, and beneath which are seen the folds of the under tunic, worn close to the skin, and reaching to within a little of the knee.<sup>2</sup> In persons of rank, the tunic and the coat were ornamented with rich borders round the edges, and the legs clothed in hose composed of twisted rolls of woollen, reaching to the middle calf; while the feet were shod with buskins. Besides the shield and the sword, they carried a long spear with a sharp steel point, sometimes armed with a barb, and the battle-axe; but we do not find either the cross-bow or the long-bow originally employed by them. These last weapons were brought in by the Normans, who used them with fatal and murderous effect, and from whom the Saxon soldiers borrowed them in the course of years. The head of the common soldier was protected by a species of conical cap not unlike the Kilmarnock nightcap, which appears to have been made of the skin of some animal, with the hair turned outwards. This headpiece, however, in persons of rank, was formed of steel or brass, and frequently ornamented with a broad gilded border, or even set with precious stones; whilst in the dress of kings and princes, it gave place to a crown itself, or to a small circlet of gold. The sword-hilts and scabbard, the shields and headgear of the kings and nobles, were

<sup>1</sup> Meyrick's *Ancient Armour*, Introduction, vol. i. p. 62.

<sup>2</sup> *Ibid.* p. 62.



often richly ornamented, studded with precious stones, or inlaid with gold; they animated their troops with the sound of a long horn or trumpet; whilst there were carried before them into battle rich banners, upon which the figure of a white horse, of a raven, or a fighting warrior, were curiously wrought in gold, and not unfrequently decorated with jewels. In the battle of the Standard, the royal Scottish banner was embroidered with the figure of a dragon, around which rallying point, when the day was going against them, the flower of the Scottish army crowded in defence of their sovereign.

The era, however, of the arrival of the Normans in England, and of the subsequent gradual progress of this remarkable people from England into Scotland, till they fixed their names and customs even in the remote provinces of the north, is the era also of a perceptible change in the dress, arms, and warlike inventions of the Scoto-Saxons. The shirt of mail was probably known to the Saxons in its first rude state: it was composed of small pieces of iron sewed in rows upon a leathern jacket, overlapping each other like the scales of a fish, and seems to have been early introduced. An experiment was next made to form something like the same piece of body armour, by twisting or interweaving strong wires with each other, so as to create a species of iron wicker, which must have proved stiff and disagreeable to the free motion of the body. Probably, for this reason, it was not attempted to be carried lower down than the bottom of the stomach, and a short way below the shoulder, so as to leave the arms and limbs full room for action. In time, however, these rude beginnings were superseded by more correct and skilful imitations of the armour of the Normans; and as hitherto the

chief force of the Scottish army had consisted in infantry, it is curious to trace the gradual departure from this system as early as the reign of David the First, and the few feeble efforts which were then made to imitate the Normans, whose chief force consisted in cavalry. As early, for instance, as in the battle of the Standard, the Scottish horsemen make their appearance, although bearing no proportion to the infantry ; and it is singular that, on both sides, the leaders made the cavalry dismount and fight on foot. Yet, under the reign of Alexander the Second, when that monarch invaded England, we have already seen the encomium pronounced by Mathew Paris upon his cavalry, which, although mounted on neither Spanish nor Italian horses, made a splendid and martial appearance ; and in the battle of Largs, in the subsequent reign, the destruction of the Norwegians who had landed was completed by a Scottish army in which there was a body of fifteen hundred horsemen, the knights and leaders of which were mounted on Spanish horses, armed, both horse and man, from head to heel, in complete mail, and the rest on the small active horses, whose chests were protected by a steel breastplate. Besides this select body of cavalry, we find that the foot soldiers were well accoutred ; and in addition to the long spear of the Saxons, they now carried the Norman bow.<sup>1</sup>

The principal arms of the Normans are well described in an ordinance, or assize of arms, of Henry the Second, preserved by Hoveden, in which it is declared, that every man possessed of goods and chattels to the value of one hundred pounds, is to provide, for the king's service, a horse and a soldier completely armed in

<sup>1</sup> Norse Account of the Expedition, pp. 93, 94, 95.

mail; whilst every man possessed of any sum, from forty to twenty-five pounds, was to have for his own use an *albergellum*, or haubergeon, an iron helmet, a lance, and a sword. This refers to the Norman dominions of the king. In England, the same monarch commanded every man who held a knight's fee to furnish a soldier completely armed in a coat of mail and a helmet, with a lance and a shield; every freeman who possessed goods and chattels to the value of sixteen marks, was to have a coat of mail, a helmet, a shield, and a lance; every freeman possessed of the value of ten marks, to have a haubergeon, an iron cap, and a lance; and, lastly, every burgess and freeman whatsoever, to furnish himself with a *wambais*, an iron cap, and a lance, which, on pain of severe penalties, he was not to sell or pawn.<sup>1</sup> In the reign, therefore, of Henry the Second, and in the year 1181, which is the date of this assize, the principal armour for the body was of three kinds: the lorica, or entire coat of mail, the *albergellum* or haubergeon, and the *wambais*; the first worn by the richest knights, the next by the higher order of yeomanry, or gentry, and the last by the burgesses and freemen in general.

It is not difficult to ascertain more minutely the construction of these different kinds of body-armour, which it is certain were used promiscuously both in Scotland and in England. The lorica, or coat of mail, is to be seen distinctly on the seals of the First and Second Henry. It appears to have been formed by rings of steel or iron, sewed or fixed closely together upon a leathern coat, reaching from the neck, which it covers, to the knee; not unlike our modern surtout. In other instances, however, the neck and head were

<sup>1</sup> Hoveden, p. 614. *Rerum Angl. Script.* a Saville.

protected by a separate piece, called the chaperon, or hood of mail, which could either be drawn over the head in time of action, or after battle thrown loosely on the shoulder, so as to give the warrior air and refreshment. Over the chaperon the helmet was placed;<sup>1</sup> and of this graceful costume some beautiful examples are to be seen in the recumbent monuments of the knights which we frequently meet with in the English churches, and more rarely in Scotland. The sleeves of the coat, as seen in the seals of these two Henrys, cover the whole arm down to the wrist, leaving the hands bare and unprotected; but an elongation of the coat of mail was soon after introduced, so as to form a mailed glove, which completely protected the hands; and yet from its pliancy, being formed of the same rings of steel, quilted on a simple leather glove, left them free room for action. Over this mail coat, which, under Richard the First,<sup>2</sup> was so formed as to cover the whole body from head to heel, it became the fashion, during the reign of the Third Henry, for the knights to wear a surcoat, formed of cloth or linen, which at first appears to have been a mark of distinction, and which, latterly, during the fourteenth century, was ornamented with the arms of the wearer, richly embroidered. Surcoats in England, although found at an earlier period abroad, were not worn before the reign of Henry the Second, did not become general till the time of John, and bore no armorial bearings till the period of Henry the Third.<sup>3</sup>

<sup>1</sup> See Strutt's *Dress and Habits of the People of England*, vol. i. plates 43 and 45. The seals of Henry the First and Henry the Second, will be found beautifully engraved in the new edition of the *Fœdera*, vol. i. pp. 6, 19.

<sup>2</sup> See the seal of this monarch, *Fœdera*, new edition, vol. i. p. 48.

<sup>3</sup> Meyrick's *Ancient Armour*, vol. i. p. 21.

The albergellum, or haubergeon, in its early form, afforded less protection to the whole person than the coat of mail, and was a less costly article of body-armour. It appears to be exactly the same piece of armour with the halsberga of Du Cange, and was originally intended, as we learn from its component words, hals-berg, for the protection of the neck alone; but it probably soon came to cover the breast and the shoulder. It was formed of the same ringed mail, quilted on leather,<sup>1</sup> and is particularly mentioned in the assize of arms passed by Robert Bruce. The wambais was nothing more than a soldier's coat-of-fence, made of leather, or cloth quilted with cotton, which, although it afforded a security inferior, in a great degree, both to the mail coat and the haubergeon, gave considerable protection against a spear-thrust, or sword-cut.<sup>2</sup> It is well known, that while the great force of the Saxons consisted in infantry, the Normans fought on horse-back; and that, from a little after the time of William the Conqueror, the power of the Norman cavalry became so formidable, as to be celebrated and dreaded throughout Europe. The horses were armed in steel, as well as the men; and both being thus impenetrably protected, the long spears of their enemies, (to use an expression of Hoveden,) "might have as well struck against a wall of iron."<sup>3</sup> Under the Conqueror himself, indeed, and judging from the costume in which he is seen upon his seal, this horse mail does not appear

<sup>1</sup> So, in an old German anonymous poem quoted in Du Cange, voce Halsberga.

Geh und bring mir doch here,  
Mein halsperg und mein schwerd.

And in the Will of Duke Everard in Miræus, chap. xxi. "Et helmum cum halsberga."

<sup>2</sup> Meyrick's Ancient Armour, vol. i. p. 67.

<sup>3</sup> Hoveden, p. 277. Strutt's Manners of the People of England, vol. i. p. 99.

to have been used at all; and the same observation is applicable to the seal of Henry the First, and to those of Richard Cœur de Lion, John, Henry the Third, and Edward the First. Upon the seal of Henry the Second, however, we find his horse armed with the chamfreyn, or steel frontlet; and the disappearance of it upon the seals of the monarchs who succeeded him, was evidently a caprice of taste, either in the artist or the sovereign; for we know for certain, that the steel-clad steeds, or *Equi Cooperti*, formed the principal force in the battle of the Standard, fought in the reign of Stephen, against David the First; and we have already seen, that the Scottish cavalry, at the battle of Largs, was composed partly of Spanish steeds in complete armour, and partly of horses with breastplates: a convincing proof how completely the Norman habits and arms had been adopted in Scotland under Alexander the Third.<sup>1</sup>

The offensive weapons of the Norman knights and higher soldiers consisted of the sword, which was in no respect different from the Saxon sword, and the lance, with a streamer or pennon; whilst the arms of the lower classes of the infantry, not including the archers, were the club and mace, denominated, in the Norman-French of Wace, "*Pilx et Macheues*."<sup>2</sup> The arms of a higher baron, or count, in the time of the Conqueror, are accurately pointed out in an ordinance of this prince, which directs "that every count shall be bound to bring, to the assistance of the king, eight

<sup>1</sup> Norse Account of Haco's Expedition, p. 95.

<sup>2</sup> Wace, in describing the Duke of Normandy's summons to the "vilains,"

Par la contrée fit mander  
Et a vilains dire et crier,  
Que a tiex armes, com il ont  
Viengnent a lui ains quil porront,  
Lors voissiez haster vilains,  
Pilx et macheues en lor mains.

horses, saddled and bridled, four hauberks, four helmets, four lances, and four swords.”<sup>1</sup> These were termed by the Normans free arms, *libera arma*, as being those peculiarly appropriated to men of high and noble rank; but, in the course of time, the short dagger, the *gis arma*, or bill, the cross-bow, and battle-axe, were introduced amongst the Norman weapons of offence, and borrowed by the Scoto-Normans from their countrymen.<sup>2</sup>

The attention which has been paid to render this description of the Saxon and Norman armour clear and authentic, will not be deemed superfluous, when it is understood that the Scottish armour used during this period appears, with a few alterations borrowed in all probability from the Norwegians, to have been the same as that worn by the Saxons and Normans. The battle-axe, the mace of iron, and the short dagger, were adopted by the knights, and, along with the other arms of the lower ranks, borrowed by the Scoto-Normans from their countrymen, and introduced into Scotland. Thus, on the seal of Alexander the First of Scotland, who succeeded Malcolm Canmore, and whose sister, Matilda, married Henry the First of England, we find the scaled mail coat, composed of mascles, or lozenged pieces of steel, sewed upon a tunic of leather, and reaching only to the mid thigh; the hood is of one piece with the tunic, and covers the head, which is protected with a conical steel cap, and a nasal; the sleeves are loose so as to show the

<sup>1</sup> “De relief al cunté, que al rei afeist. viii chivalz, selex et enfrenex, les iiij halbers, et iiij hammes, et iiij escuz, et iiij lances, et iiij espes.” Leg. Gulielm. I. chap. xxvi.

<sup>2</sup> Strutt's *Manners and Customs of the People of England*, vol. i. p. 98. So Wace, speaking of the Norman infantry:—

Et vous avez lances aquis,  
Et quis armes bien emollues.

linen tunic worn next the skin, and again appearing in graceful folds above the knee; the lower leg and foot are protected by a short boot armed with a spur: the king holds in his right hand a spear, to which a pennoncelle, or small flag, is attached, exactly similar to that worn by Henry the First; the saddle is peaked before and behind; and the horse on which he rides is ornamented by a rich fringe round the chest, but altogether unarmed.<sup>1</sup>

Another curious specimen of the Scottish armour of the twelfth century is to be seen on the seal of David earl of Huntingdon, brother of William the Lion. It is of the species called, by the contemporary Norman writers, the "trellised," and consists of a cloth coat or vest, reaching only to the haunches, and with sleeves extending to the wrist. This is intersected by broad straps of leather, laid on so as to cross each other, but to leave intervening squares of the cloth, in the middle of which is a round knob or stud of steel. The chaperon or hood is of quilted cloth; and the under tunic, of linen, covers the knee, and hangs in folds over the saddle, which is highly peaked, in the shape of a swan's neck. His shield is rounded at the top; and he holds a long spear, ornamented by a gon-fanon, on which a rose is embroidered. His helmet is the conical one, plain, and worn over the hood; and the horse has neither armour nor trappings.<sup>2</sup> It was this David earl of Huntingdon who, having embarked for the Holy Land with Richard Cœur de Lion, is said to have been shipwrecked on the coast of Egypt, and sold as a slave to a Venetian merchant. His master brought him to Constantinople, where he was

<sup>1</sup> Seal in the diplomata Scotiæ, plate viii, and the plate in Dr Meyrick's History, p. 29, plate x.

<sup>2</sup> Meyrick, vol. i. p. 11. Anderson's Diplomata, plate x.



fortunately recognized by some English merchants, redeemed, and sent home.<sup>1</sup>

The shield which was used in Scotland at this period was the kite-shaped shield of the Normans; and, although plain and unornamented at first, we find that, in the beginning of the thirteenth century, under Alexander the Second, the lion rampant of Scotland appears upon it for the first time. On the shield of Prince Henry, grandfather of William the Lion, who died about sixty years before the accession of that prince to the throne, there is no appearance of any heraldic blazoning; and the practice, which was first introduced by Richard Cœur de Lion into England, appears to have been adopted, during this interval, by our Scottish monarchs.<sup>2</sup> The strict friendship and constant intercourse which was maintained between William the Lion and Richard the First, and the attention which was paid by the latter monarch in Europe and in Palestine, to every thing connected with the improvement of the military art, must have produced a correspondent enthusiasm in our own country; and these improvements would speedily be brought into Scotland by David earl of Huntingdon, and his companions, the brother crusaders of Richard. This observation is accordingly confirmed by the fact just

<sup>1</sup> Chron. Melrose, p. 171. Hailes, vol. ii. p. 341. Dr Meyrick has accidentally mistaken this David earl of Huntingdon, from whose daughter Robert Bruce was descended, for his grandfather, David the First; but the error is a trifling one. Mills, in his amusing but superficial work, the *History of Chivalry*, affects to despise the *Critical Inquiry* of Dr Meyrick. That there may be some few errors in an inquiry embracing so wide a range, none will deny; but, in point of research and historical interest, it is worthy of much praise. It is to be regretted that the valuable matter of the text should be shut up from most readers by the costly price which the plates render indispensable.

<sup>2</sup> Anderson's *Diplomata Scotiæ*, plate xx. Meyrick's *Ancient Armour*, vol. i. p. 101.

noticed, that Richard first bore the three lions on his shield, and that the same practice, formerly unknown, was adopted not long after in our own country.

Another change appears in the helmet of Alexander the Second, which confirms this remark; the aventayle, or visor, and the cylindrical shape, are seen in its construction for the first time; and these we know were brought in by Richard the First, although under a slightly different form as used by the lion-hearted king. This Alexander succeeded his father, William the Lion, in the beginning of the thirteenth century. He appears clothed in a complete coat of mascléd mail, protected by plates at the elbows. The surcoat also, first worn in England by John, is thrown over his armour, another proof of the progress of military fashions from England into this country; and his shield is hollowed, so as to fit the body and completely defend it. His horse, without any defensive armour, is ornamented with a fringed and tasselled border across the chest, and an embroidered saddle-cloth, on which the lion rampant again appears.<sup>1</sup>

Under the succeeding reigns of Alexander the Third, Baliol, Bruce, and his son David the Second, the military costume, the fashion, shape, and ornaments of the arms, and the science of war, appear to have been almost exactly the same in both countries. Alexander the Third wears the cylindrical helmet, with the perforated aventayle; there is a superior richness and splendour in the ornaments of his armour, and the horse is covered from head to foot with flowing housings, on which the lion rampant is richly embroidered, with a bordure set with fleurs-de-lis. A plume of feathers surmounts the helmet, and the same orna-

<sup>1</sup> Seal in Anderson, plate xxxi. Meyrick's Armour, vol. i. p. 101.

ment is seen on the head of his horse.<sup>1</sup> Little difference is discernible in the military costume of Robert Bruce, except that his steel casque is surmounted by a royal crown, which we have seen him wearing at the battle of Bannockburn.

As the arms and military costume of both countries appear to have been exactly similar, so we may, with equal truth, apply the same remark to the science of war itself. The superior genius of Bruce soon indeed perceived, that to cope with the English in cavalry was impossible, and he accordingly directed his principal attention to perfecting the arms and the discipline of his infantry,—a system taught him by the example of Wallace; but this was chiefly occasioned by the poor and exhausted state of the country. Previous to the long war of liberty, which drained away its wealth, and arrested it in its career of improvement, the cavalry of Scotland, as we have seen in our former allusions to the battle of the Standard and the battle of Largs, held a principal place in the composition of the army. The disastrous defeat which David experienced in the first of these actions was, in all probability, occasioned by his being compelled to place the ferocious and half-armed Galwegians in the first line; and, even after their undisciplined conduct had introduced disorder and flight, the day was nearly restored by a successful charge of the Prince of Scotland, at the head of his men-at-arms, who, to use the expressive phrase of Ethelred, “scattered the English army like a cobweb.” In the battle of Largs, the appearance of the Scottish knights on Spanish horses, then considered

<sup>1</sup> Anderson's *Diplomata*, plate xxxvi. See *Chamberlain Accounts*, Temp. Alex. III. p. 35, “In reparacione lorice dni regis 18 sh.” etc. Ibid. p. 38, “In mundacione armorum dni regis 13 sh. et 8 d.” Ibid. p. 45, “Item in 14 targis bene munitis sciltarga pro 5 sh. 70 sh. In emendacione 3000 querellis 5 sh.”

of high value, and which were clothed in mail, evinces that, under Alexander the Third, the cavalry of Scotland was equal in equipment to the sister country. We learn, from the Chamberlain Rolls of the same monarch, that, in the preparations which were made for defence and security in the different castles, about the time of the expected invasion of the King of Norway, the warlike engine called the balista was in use; and that there was an officer in the castle of Aberdeen called Balistarius, who was allowed twenty shillings for the purchase of staves, and other necessities which belonged to his office.<sup>1</sup> At an earlier period still, when David the First and his son Prince Henry invaded England in 1138, they attacked the castle of Werk with balistæ, and other warlike engines;<sup>2</sup> and we have every reason to believe that the science of war, and the attack and defence of fortified places, must have been the same, with very slight variations, in both countries. It is evident, from the history of the Bruce and Baliol wars, and the most remarkable sieges which took place during their continuance, that, in whatever terms of wonder these warlike machines for the battering of the walls are described by the contemporary historians, they were truly very clumsy and inefficient inventions; and that a strong-built castle, if well victualled and tolerably garrisoned, could defy, for many months, the whole efforts of a numerous

<sup>1</sup> Chamberlain Rolls, Temp. Alex. III., p. 19, "Item, Willelmo ballistario ad emendum baculos, et alia que pertinent ad officium suum 20 sh." Ibid. p. 9, "Item, Balistario de illo anno 2 marcas et dimidium." Ibid. p. 10, "Idem comes petit sibi allocari costumus de xi<sup>m</sup> petris ferri et fabricam de mille septingentis et septuaginta querellis et fabricam de ix<sup>m</sup> ferri;" and again, p. 47, "Item quod die hujus computi remanserunt in custodia ipsius, H. 12 lorice, 2 honbergell, unam par calligarum ferrearum, 14 targyas, et 12 bipennes."

<sup>2</sup> Rich. Prioris Hagulstad. p. 315.

army, with its balistæ, mangonels, tribuchets, sows and rams, playing upon it without intermission.

During the reigns of Edward the Second and Third in England, and the corresponding period occupied by the latter years of the reign of Robert Bruce, and the whole of that of David the Second in Scotland, the plate-armour began gradually to supersede the mailed coat; and various improvements and new inventions, both in the strength and in the ornamental parts of the equipment of knights and soldiers, were introduced, which, from the constant intercourse between the two countries, were adopted simultaneously in both. In 1367, a duel was fought between Thomas Erskine, a Scottish knight, and James Douglas of Egmont, on some quarrel not now discoverable. Both champions obtained permission from Edward the Third to purchase their arms and body-armour, on this occasion, in London; and the royal letters inform us of what pieces they consisted. A breast-plate and back-piece, a helmet, a habergeon, arm-plates, thigh-pieces, greaves for the legs, and iron gauntlets, formed the body-armour. The weapons were, a dagger or short sword, a long sword, and a knife; and one of the knights requests to have body-armour for two horses, whilst his antagonist contents himself with a cham-freyn or iron frontlet for one.<sup>1</sup>

In the use of the bow, the English continued invariably to be superior to the Scots, and their bodies of mounted archers, and of cross-bowmen, who were not unfrequently armed in mail, often made cruel havock amongst the Scottish spearmen. It is a singular circumstance, that, although the importance of the long-bow could not fail to have suggested itself to such masters in war as Wallace and Bruce, and Randolph

<sup>1</sup> Rotuli Scotiæ, vol. i. pp. 916, 917.

and Douglas, there does not appear to have been any very successful efforts made to introduce it as a national weapon. In remote times, indeed, we find the Scottish archers bearing a part in the battle of the Standard;<sup>1</sup> but, at the subsequent battles of Dunbar, Stirling, and Falkirk, they do not appear. In the memorable defeat, indeed, which Bruce gave to the Lord of Lorn, in the pass of Cruachin Ben, Sir James Douglas appears at the head of a body of archers lightly armed,<sup>2</sup> but they are not to be found in the muster of the army at Bannockburn; and although Bruce, in an ordinance of arms passed in 1319, commands every man possessed of the value of a cow to arm himself, either with a bow and a sheaf of arrows, or with a spear, the last weapon was evidently preferred by the Scottish yeomanry. Neither in the future expeditions during the reign of this monarch, nor in the disastrous battles of Dupplin, Halidon, and Durham, do we meet with a body of Scottish archers.<sup>3</sup> With regard to the first of these battles, at Halidon, there is to be found, in the British Museum, amongst the Harleian Manuscripts, a minute and curious account of the numbers, the arms, and the arrangement of the Scottish army, with the names of all the leaders;<sup>4</sup> which proves that the Scottish army consisted of knights, and of heavy-armed and light-armed infantry, without either archers or cross-bowmen. The same remark may be made with regard to the array at the battle of Durham; the knights

<sup>1</sup> Ethelredus de Bello Standardi, p. 342, "Alteram aciem filius regis, et milites Sagittarii cum eo, adjunctis sibi Cumbrensibus et Tevidalensibus, cum magna sagacitate constituit."

<sup>2</sup> Barbour, pp. 190, 191.

<sup>3</sup> At the siege of Perth, however, under the regency of Moray, Fordun mentions that Alan Boyd and John Stirling, "*duo valentes armigeri, rectores architenentium*," were slain.

<sup>4</sup> This interesting fragment is printed in the Illustrations, vol. i. letters GG.

armed cap-à-pié, with the *homines armati*, or heavy-armed infantry, formed the strength of the army; and besides these there was a large body of half-armed foot.<sup>1</sup> The ordinance of arms which was passed by Robert Bruce in 1319, acquaints us, in sufficiently minute terms, with the arms then used by the Scottish soldiers. An acton and a steel helmet, gloves of plate, and a sword and spear, were to be provided by every gentleman who had ten pounds value in land, or ten pounds of moveable property. Those of inferior rank and fortune were bound to fit themselves with an iron jack, an iron head-piece, and gloves of plate; and the lowest class of all with a spear, or with a bow and a sheaf of arrows.<sup>2</sup>

The civil dress of those remote times, as it is seen in the illuminations of manuscripts, and in the reverses of the seals of our early monarchs, appears to have been rich and graceful. A robe of purple velvet or scarlet cloth, lined and hooded with ermine, with a border of gold embroidery, and flowers of gold scattered over it; an under tunic of silk, or other precious stuff, made sometimes close to the figure, and at other times hanging in loose folds almost to the heel; hose and breeches in one piece, and laced sandals, formed the common state dress of the kings, princes, and nobles; their more ordinary habits being nearly the same in shape, but of less costly materials.<sup>3</sup>

During the thirteenth century, a fantastic fashion

<sup>1</sup> Fordun a Goodal, vol. ii. p. 342.

<sup>2</sup> *Supra*, vol. i. p. 322. See Illustrations, letter K.

<sup>3</sup> Strutt's Dress and Habits of the People of England, vol. ii. plates lxxxiii. and lxxxv. Chamberlain Accounts, Temp. Alex. III. p. 13, "Augustino cessori per preceptum dni regis ad emendum panum et furur. ad opus dni regis vi marcas et dimidium." See Ibid. p. 17, "In empcionibus tam in panao serico et aliis, quam in peletria speciebus electuariis, et aliis minutis empcionibus, 10 lib. 8 sh. 1 d." Ibid. p. 43, "Item in duobus paribus ocrearum ad opus dni regis 12 sh."

prevailed of clothing one-half of the figure in one colour, and the other half in another; and, where this was not done, of having one stocking red or blue, and the other green or yellow; so that the man had the appearance of having stepped into one-half of his neighbour's breeches or hose. But this absurd practice did not long continue, and appears to have been at last abandoned to the exclusive use of fools and jesters.

The costume of the ladies at the same period was elegant, but so various, that it is difficult, in any written description, to give an idea either of its beauty, or of the complicated grouping of its parts. The upper part of the dress consisted of a jacket of rich broad cloth or velvet, with sleeves reaching to the wrist, and terminating in a border of gold embroidery, which was made to fit close to the bosom and the waist, so as to show the beautiful outline of the female figure. It was fastened down the middle with a row of buttons of silver, gold, or precious stones, on each side of which was a broad border of ermine or miniver, and it reached considerably below the waist. Below this jacket appeared, in ample folds, an under robe or tunic of a different colour, and under all, a slip or petticoat of silk or linen. The tucker was high and modest, and made so as to leave only the neck and throat bare. The head-dress consisted either of the wimple, of the turban, or of a small circlet of gold, or garland of artificial flowers, from beneath which the hair sometimes flowed down the back, and sometimes was gracefully plaited or braided in forms of great variety. Over the whole dress, it was not uncommon, on days of state or ceremony, to wear a long cloak of velvet or other precious stuff, which was clasped across the bosom, and lined with ermine, martins, or gold lace. The golden girdle, too, worn round the waist,



and sometimes set with precious stones, must not be forgotten. The splendour of the civil dresses of this period, both in England and in Scotland, is alluded to in terms of reprobation by Mathew Paris in his account of the marriage of Alexander the Third at York; and as the monastic historian was himself present, his account is the more curious and authentic.<sup>1</sup> It proves satisfactorily, that the dresses of the higher ranks in England, Scotland, and France, were the same. A passage, therefore, which we find quoted by Strutt, from an ancient MS. history of France, written in the fourteenth century, may be quoted as throwing light upon the costly variety of the dress of this period. It alludes to a sumptuous entertainment given at Paris in 1275, on the coronation of Mary. "The barons and the knights were habited in vestments of different colours: sometimes they appeared in green, sometimes in blue, then again in gray, and afterwards in scarlet, varying the colours according to their fancies. Their breasts were adorned with fibulæ or brooches of gold, and their shoulders with precious stones of great magnitude, such as emeralds, sapphires, jacinths, pearls, rubies, and other rich ornaments. The ladies who attended had rings of gold, set with topaz stones and diamonds, upon their fingers; their heads were ornamented with elegant crests or garlands; and their wimples were composed of the richest stuffs, embroidered with gold, and embellished with pearls and other jewels."

In the ancient French poem, the Romance of the Rose, which was completed by John de Meun in 1304, the poet has introduced the story of Pigmalion, and he represents the enamoured sculptor clothing his marble mistress in every variety of female finery.

<sup>1</sup> Math. Paris, a Wats. pp. 715, 716.

"He arrayed her," says he, "in many guises : in robes made with great skill of the finest silk and woollen cloths, green, azure, and brunette, ornamented with the richest skins of ermines, minivers, and grays : these being taken off, other robes were tried upon her, of silk, cendal, malliquins, mallbruns, damasked satin, camlet, and all of divers colours. Thus decorated, she resembled a little angel, her countenance was so modest. Then again he put a wimple upon her head, and over that a coverchief, which concealed the wimple, but hid not her face. All these garments were then laid aside for gowns, yellow, red, green, and blue, and her hair was handsomely disposed in small braids, with threads of silk and gold, adorned with little pearls, upon which was placed, with great precision, a crestine, and over the crestine a crown or circle of gold, enriched with precious stones of various sizes. Her little ears, for such they are said to have been, were decorated with two beautiful pendent rings of gold, and her necklace was confined to her neck by two clasps of gold. Her girdle was exceedingly rich, and to it was attached an aulmoniere, or small purse, of great value."<sup>1</sup> This amusing and curious passage gives us some idea of the richness and intricacy of the female dress of the times ; and we may conceive how striking and picturesque the spectacle must have been to have seen an ancient Gothic hall, on some night of solemnity and rejoicing, filled with fair forms in such splendid apparel, and crowded with barons, knights, squires, and pages, in their velvet robes and jewelled girdles, while the

<sup>1</sup> I have employed the translation, or rather the abstract of this passage given by Mr Strutt in his excellent work on the *Habits and Dresses of the People of England*, from a manuscript in the British Museum. Strutt's *Habits and Dresses*, vol. ii. pp. 235, 236. He has in some places used a little liberty with the original, which will be found in the Illustrations, letter L.

music of the minstrels echoed through the vaulted roof, and the torches threw their gleams upon its fretted arches, bringing out in clear relief their fantastic but often beautiful decorations.

There remain a few gleanings of information upon the state of some of the ornamental and useful arts in Scotland, too scanty to be included under any separate division, and which yet appear of importance, when we are collecting every scattered light which may serve to illustrate the manners and civil history of the country. At an early period, for instance, we can just trace an interesting attempt of David the First to soften the manners of his people, by introducing a taste for gardening. He spent some portion of his time, as we learn from his friend and contemporary, in his orchard in planting young trees, or in the more difficult operation of grafting; and it was his anxious desire to encourage the same occupations amongst his subjects. The gardener appears constantly in the Chamberlain Accounts of the royal household, as an established servant, attached to the different palaces and manors. Alexander the Third had his gardeners at Forfar and Menmoreth.<sup>1</sup> We meet with the royal garden at Edinburgh as early as 1288; and the Cartularies contain ample evidence that the higher nobles and dignified clergy, and even the lesser knights and barons, considered their gardens and orchards as indispensable accompaniments to their feudal state.<sup>2</sup>

It must be evident to any one who has perused this Inquiry, that besides this elegant branch of rural

<sup>1</sup> Chamberlain Accounts, Temp. Alex. III. p. 13. Item gardinario de Forfar, de illo anno v marc. Item gardinario de Menmoreth de illo anno i marc. See, also, pp. 59, 112.

<sup>2</sup> Robertson's Index, p. 86.

economy, many of the other useful and ornamental arts must have arrived, during this period, at a state of considerable perfection in Scotland. The pitch of excellence, for instance, to which the architecture of the country had attained, necessarily includes a correspondent excellence in the masons, the carpenters, the smiths, the plumbers, the plasterers, the painters, and the glaziers, of those remote times. The art of working skilfully in steel and iron must have been well known, and successfully practised, by a people and a nobility armed and accoutred for war, in the fashion we have just described ; and the mysteries of embroidery and needlework, with the professions of the clothier, silk-merchant, milliner, and tailor, could not fail to thrive and become conspicuous in so splendid a court, and amid such a display of dames and knights as we have seen thronging the royal residences during the course of the thirteenth and fourteenth centuries. The jeweller, too, the goldsmith, and the enameller, must have been lucrative professions, where the girdles, ear-rings, brooches, tiaras, and jackets of velvet, powdered with pearls, were conspicuous articles in female dress ; and where the palls, copes, rocquets, crosiers, censers, and church plate, were still more sumptuous. There is, accordingly, decided evidence in the Chamberlain Accounts, that the art of working in the precious metals had attained to considerable perfection, although in the extent of their gold and silver plate, the kings and nobles of Scotland appear to have been far inferior to the splendour and extravagance of their English neighbours. It must be remembered, also, that the most splendid specimens of the armour jewellery, and gold and silver work, which are met with in the wardrobe books of the times, or which we read of in the descriptions of

contemporary historians, were of Italian, Flemish, or oriental workmanship, imported from abroad by the Scottish merchants.

In the sketch of the learning of those remote times, I have said nothing of the state of the healing arts, during a period when it may be thought, from the frequency of war and bloodshed, their ministration was much called for. But, unfortunately, upon this subject no authentic data remain, upon which an opinion may be formed ; yet it has been already seen that our kings had their apothecaries and physicians. As to the actual skill, the prescriptions, and operations of such persons, we are quite in the dark ; but if we may form our opinion from the low and degraded condition of medicine in England at the same period, the patient who fell into the hands of these feudal practitioners must have rather been an object of pity than of hope ; and it is probable, that a sick or wounded knight had a better chance for recovery from the treatment of the gentle dames or aged crones in the castles, whose knowledge of simples was often great, than from the ministrations inflicted upon him by the accredited leeches of the times.

## CHAP. III.

## ROBERT THE SECOND.

1370—1390.

## CONTEMPORARY PRINCES.

<i>Kings of England.</i>	<i>Kings of France.</i>	<i>Rome. (Popes.)</i>	<i>Avignon.</i>
Edward III. Richard II.	Charles V. Charles VI.	Gregory XI. Urban VI.	Clement VII.

DAVID THE SECOND, the only son of Robert the First, dying without children, the succession to the throne opened to Robert the High-steward of Scotland, in consequence of a solemn act of the parliament, which had passed during the reign of his grandfather, Robert the First, in the year 1318.<sup>1</sup> The High-steward was the only child of the Lady Marjory Bruce, the eldest daughter of Robert the First, and of Walter the High-steward of Scotland; and his talents in discharging the difficult duties of regent, had already shown him to be worthy of the crown, to which his title was unquestionable. Previous, however, to his coronation, opposition arose from an unexpected quarter. William earl of Douglas, one of the most powerful of the Scottish nobles, being at Linlithgow at the time of the king's death, publicly proclaimed his intention of questioning the title of the Steward to the throne; but the motives which induced him to adopt so pre-

<sup>1</sup> Fordun a Goodal, vol. ii. p. 290.

precipitate a resolution are exceedingly obscure. It is certain that Douglas could not himself lay claim to the throne upon any title preferable to that of Robert; but that the common story of his uniting in his person the claims of Comyn and of Baliol is entirely erroneous, seems not so apparent.<sup>1</sup> Some affront, real or imaginary, by which offence was given to the pride of this potent baron, was probably the cause of this hasty resolution, which, in whatever feeling it originated, was abandoned as precipitately as it was adopted. Sir Robert Erskine, who in the former reign had risen into great power, and then commanded the castles of Edinburgh, Stirling, and Dunbarton, instantly advanced to Linlithgow at the head of a large force. He was there joined by the Earls of March and Moray; and a conference having taken place with Douglas, he deemed it prudent to declare himself satisfied with their arguments, and ready to acknowledge a title which he discovered he had not strength to dispute.<sup>2</sup> It was judged expedient, however, to conciliate so warlike and influential a person as Douglas, and to secure his services for the support of the new government. For this purpose the king's daughter, Isabella, was promised in marriage to his eldest son, upon whom an annual pension was settled; and the earl himself was promoted to the high offices of king's justiciar on the south of the Forth, and warden of the east marches.<sup>3</sup> To the rest of the barons and nobles who supported him, the High-

<sup>1</sup> The story is to be found in Bower, the continuator of Fordun, vol. ii. p. 382; and in the MS. work, entitled, *Extracta ex Chronicis Scotiæ*, fol. 225. It was repeated by Buchanan, attempted to be proved to be erroneous by the learned Ruddiman, and again revived by Pinkerton, in his *History of Scotland*, vol. i. p. 10. See *Illustrations*, letter M.

<sup>2</sup> Winton, vol. ii. pp. 304 and 514.

<sup>3</sup> Chamberlain Accounts, vol. ii. p. 26. Ibid. pp. 9, 10.

steward was equally generous. The promptitude of Sir Robert Erskine was rewarded by the gift of three hundred and thirty-three pounds, an immense present for that time; whilst the services of March and Moray, and of Sir Thomas Erskine, were proportionably acknowledged and requited.<sup>1</sup>

This threatened storm having passed, the High-steward, accompanied by a splendid concourse of his nobility, proceeded to the abbey of Scone, and was there crowned and anointed king, on the 26th of March, 1371, by the Bishop of St Andrews, under the title of Robert the Second.<sup>2</sup> To confer greater solemnity on this transaction, which gave a new race of monarchs to the throne, the act of settlement by Robert the First was publicly read; after which, the assembled prelates and nobles, rising in their places, separately took their oaths of homage. The king himself then stood up, and declaring that he judged it right to imitate the example of his illustrious grandfather, pronounced his eldest son, the Earl of Carrick and Steward of Scotland, to be heir to the crown, in the event of his own death. This nomination was immediately and unanimously ratified by consent of the clergy, nobility, and barons, who came forward and took the same oaths of homage to the Earl of

<sup>1</sup> Ibid. vol. ii. pp. 26, 27.

"Et in solucione facta Domino Willelmo Comiti de Douglas, circa contractum matrimoniale inter filium ipsius Comitis, et Isabellam filiam regis, ut patet per literas regis de predicto, et ipsius Comitis de rc. ons. super computum, V<sup>o</sup>. li :

"Et in soluc : facto dno. Robto. de Erskine et de dono regis concess- sibi per literam ons. et cancellat. sr. compotum et ipsius Dni. Roberti de rc. ons. super computum III<sup>o</sup>. xxxiii li. vi s. viii d."

<sup>2</sup> Robertson's Records of the Parliament of Scotland, p. 119, sub anno 1371. It is there stated that all the barons and prelates took the oaths of homage, except the Bishop of Dunblane and Lord Archibald de Douglas, who only took the oath of fidelity. Yet this seems contradicted by the "Act of Settlement."



Carrick, as their future king, which they had just offered to his father; and upon proclamation of the same being made before the assembled body of the people, who crowded into the abbey to witness the coronation, the resolution of the king was received by continued shouts of loyalty, and the waving of thousands of hands, which ratified the sentence. An instrument, reciting these proceedings, was then drawn up, to which the principal nobles and clergy appended their seals, and which is still preserved amongst our national muniments: a venerable record, not seriously impaired by the attrition of four centuries and a half, and constituting the charter by which the house of Stewart long held their title to the crown.<sup>1</sup>

Robert the High-steward, who now succeeded to the throne, had reached his fifty-fifth year, a period of life when the approaches of age produce in most men a love of repose, and a desire to escape from the care and annoyance of public life. This effect was to be seen in the character of the king. The military and ambitious spirit, and the promptitude, resolution, and activity which we observe in the High-steward during his regency, had softened down into a more pacific and quiet nature. He possessed strong good sense, and a judgment in state affairs matured by experience; but united to this was a love of indolence and retirement, little suited to the part which he had to act as head of a fierce and lawless feudal nobility, and the guardian of the liberty of the country, against the unremitting attacks of England. Yet, to balance this inactivity of mind, Robert enjoyed some advantages.

<sup>1</sup> Robertson's Index to the Charters, Appendix, p. 11. "*Clamore consono ac manu levata in signum fidei dationis.*" A fac-simile of this deed has been engraved, and will be found in the first volume of the Acts of the Parliament of Scotland, sub anno 1371.

He was surrounded by a family of sons grown to manhood. The Earl of Carrick, Robert earl of Fife, afterwards Duke of Albany, and Alexander lord of Badenoch, were born to him of his first marriage with Elizabeth More, daughter to Sir Adam More of Rowallan;<sup>1</sup> David earl of Strathern, and Walter lord of Brechin, blest his second alliance with Euphemia Ross, the widow of Randolph earl of Moray; whilst seven daughters connected him by marriage with the noble families of the Earl of March, the Lord of the Isles, Hay of Errol, Lindsay of Glenesk, Lyon, and Douglas. To these legitimate supports of the throne must be added, the strength which he derived from a phalanx of eight natural sons, also grown to man's estate, and who, undepressed by a stain then little regarded, held their place among the nobles of the land.<sup>2</sup> Although, after his accession to the throne, the king was little affected with the passion for military renown, and thus lost somewhat of his popularity amongst his subjects, he possessed other qualities which endeared him to the people. He was easy of access to the meanest suitor; affable and pleasant in his address; and while possessing a person of a commanding stature and dignity, his manners were yet so tempered by a graceful and unaffected humility, that what the royal name lost in pomp and terror, it gained in confidence and affection.<sup>3</sup>

In the political situation of the country at this period, there were some difficulties of a formidable nature. A large portion of the ransom of David the Second, amounting to fifty-two thousand marks, was still unpaid;<sup>4</sup> and if the nation had been reduced to

<sup>1</sup> Records of the Parliament of Scotland, p. 119, sub anno 1371.

<sup>2</sup> Duncan Stewart's History of the Royal Family of Scotland, pp. 56, 57, 58.

<sup>3</sup> Fordun a Goodal, vol. ii. p. 383.

<sup>4</sup> Records of the Parliament of Scotland, sub anno 1371, p. 120.

the brink of bankruptcy by its efforts to raise the sum already collected, the attempt to levy additional instalments, or to impose new taxes, could not be contemplated without alarm. The English were in possession of a large portion of Annandale, in which Edward continued to exercise all the rights of a feudal sovereign; they held, besides, the castles of Roxburgh and Lochmaben, with the town and castle of Berwick;<sup>1</sup> so that the seeds of war and commotion, and the materials of national jealousy, were not removed; and however anxious the English and Scottish wardens might show themselves to preserve the truce, it was scarcely to be expected that the fierce borderers of both nations would be long controlled from breaking out into their accustomed disorders. In addition to these adverse circumstances, the kingdom, during the years immediately following the accession of Robert the Second, was visited by a grievous scarcity. The whole nobility of Scotland appear to have been supported by grain imported from England and Ireland; and a famine which fell so severely upon the higher classes, must have been still more intensely experienced by the great body of the people.<sup>2</sup>

But Scotland, although, as far as her political circumstances are considered, undoubtedly not in a prosperous condition, enjoyed a kind of negative security, from the weakness of England. Edward the Third was no longer the victorious monarch of Cressy and Poitiers. His celebrated son, the Black Prince, a few years before this, had concluded his idle though chivalrous expedition against Spain; and after having

<sup>1</sup> *Rotuli Scotiæ*, vol. i. pp. 944, 947, 951, 958, 963, 965.

<sup>2</sup> *Ibid.* vol. i. pp. 963, 965, 966, 967, 968. The evidence of the *Rotuli Scotiæ* contradicts the assertions of Bower, vol. ii. *Fortun a Goodal*, p. 383.

been deceived by the monarch whom his valour had restored to the throne, again returned to France, drowned in debt, and broken in constitution. Prince Lionel, whom Edward had hoped to make King of Scotland, was lately dead in Italy; and still severer calamities were behind. Charles the Fifth of France, a sovereign of much wisdom and prudence, had committed the conduct of the war against England to the Constable de Guesclin, a captain of the greatest skill and courage; and Edward, embarrassed at the same time with hostilities in Flanders and Spain, saw, with deep mortification, the fairest provinces, which were the fruits of his victories, either wrested from him by force of arms, or silently lost, from inactivity and neglect. In his attempts to defend those which remained, and to regain what was lost, the necessity of fitting out new armies called for immense sums of money, which, though at first willingly granted by parliament, weakened and impoverished the country; and the loss of his greatest captains, his own feeble health, and the mortal illness of the Black Prince, rendered these armies unavailable, from the want of experienced generals.

From this picture of the mutual situation of the two countries, it may be imagined that both were well aware of the benefits of remaining at peace. On the part of Scotland, accordingly, it was determined to respect the truce, which in 1369 had been prolonged for a period of fourteen years, and to fulfil the obligations as to the punctual payment of the ransom; whilst England continued to encourage the commercial and friendly intercourse which had subsisted under the former monarch.<sup>1</sup> Yet, notwithstanding all this, two

<sup>1</sup> *Rotuli Scotiæ*, vol. i. sub annis 1372, 1373.

events soon occurred, which must have convinced the most superficial observer that the calm was fallacious, and would be of short duration. The first of these was a new treaty of amity with France, the determined enemy of England, which was concluded by the Scottish ambassadors, Wardlaw bishop of Glasgow, Sir Archibald Douglas, and Tynninghame dean of Aberdeen, at the castle of Vincennes, on the 30th June, 1371, in which, after an allusion to the ancient alliances between France and Scotland, it was stipulated that, in consideration of the frequent wrongs and injuries which had been sustained by both these realms from England, they should be mutually bound, as faithful allies, to assist each other against any aggression made by that country. After some provisions, calculated to prevent any subjects of the allied kingdoms from serving in the English armies, it was declared that no truce was henceforth to be concluded, nor any treaty of peace agreed on, by either kingdom, in which the other was not included; and that in the event of a competition at any time taking place for the crown, the King of France should maintain the right of that person who was approved by a majority of the Scottish estates, and defend his title if attacked by England. Such was the treaty, as it appears ratified by the Scottish king at Edinburgh, on the 28th October, 1371;<sup>1</sup> but at the same time certain secret articles were proposed, upon the part of France, of a still more decisive and hostile character. By these the French monarch engaged to persuade the pope to annul the existing truce between England and Scotland; to pay and supply with arms a large body of Scottish knights; and to send to Scotland an auxiliary force of a thou-

<sup>1</sup> Records of the Parliament of Scotland, sub anno 1371, pp. 122, 124.

sand men-at-arms, to co-operate in a proposed invasion of England. These articles, however, which would again have plunged the kingdoms into all the horrors of war, do not appear to have been ratified by Robert.<sup>1</sup>

The other event to which I allude, afforded an equally conclusive evidence of the concealed hostility of England. When Biggar, High-chamberlain of Scotland, repaired to Berwick to pay into the hands of the English commissioners a portion of the ransom which was still due, it was found that the English king, in his letters of discharge, had omitted to bestow his royal title on Robert. The chamberlain, and the Scottish lords who accompanied him, remonstrated in vain against this unexpected circumstance. They declared that they paid the ransom in the name and by the orders of their master the King of Scotland; and unless the discharge ran in the same style, it was null, and could not be received. Edward, however, continued obstinate: he replied, that if David Bruce had been content to accept the discharge without the addition of the kingly title, there was no good reason why his successor should quarrel with it for this omission; and he drew up a deed declaring that the letter complained of was in every respect as full and unchallengeable as if Robert had been therein designed the King of Scotland.<sup>2</sup> With this the Scottish commissioners were obliged for the present to be satisfied; and having paid the sum under protest, they returned home, aware from what had passed, that however enfeebled by his continental disasters, Edward still clung to the idea that, in consequence of the resignation of

<sup>1</sup> Records of the Parliament of Scotland, sub anno 1371, p. 122.

<sup>2</sup> Rotuli Scotiæ, vol. i. p. 963.

Baliol, he himself possessed the title to the kingdom of Scotland, and might yet live to make it good.<sup>1</sup>

Notwithstanding these threatening appearances, the country continued for some years to enjoy the blessings of peace; and the interval was wisely occupied by the sovereign in providing for the security of the succession to the crown; in regulating the expenses of the royal household, by the advice of his privy council; in the enactment of wise and useful laws for the administration of justice, and the punishment of oppression. For these purposes a parliament was held at Scone, on the 2d of March, 1371, and another meeting of the estates took place in April 1373, in which many improvements were introduced, and some abuses corrected.<sup>2</sup> It seems at this period to have been customary for the lords of the king's council to avail themselves of the advice of private persons, who sat along with them in deliberation, although not elected to that office. This practice was now abolished. Sheriffs and other judges were prohibited from asking or receiving presents from litigants of any part of the sum or matter in dispute; several acts were passed relative to the punishment of murder, in its various degrees of criminality; ketherans, or masterful beggars, were declared not only liable to arrest, but, in case of resistance, to be slain on the spot; and all malversation by judges was pronounced cognizable by a jury, and punishable at the king's pleasure. These enactments point to a state of things in which it was evidently far easier to make laws than to carry them into execution.<sup>3</sup>

<sup>1</sup> Records of the Parliament of Scotland, pp. 126, 127, sub anno 1372. Chamberlain Accounts, vol. ii. p. 3.

<sup>2</sup> Records of the Parliament of Scotland, p. 124. The parliament consisted of the dignified clergy, the earls, barons, and free tenants *in capite*, with certain burgesses summoned from each burgh.

<sup>3</sup> Records of the Parliament of Scotland, pp. 124, 125, sub anno

In the meantime, England was visited with two great calamities. Edward prince of Wales, commonly called the Black Prince, to the universal regret of the nation, and even of his enemies, died at Westminster; and his illustrious father, broken by the severity of the stroke, and worn out with the fatigues of war, survived him scarcely a year. Anxious for the tranquillity of his kingdom, it had been his earnest wish to conclude a peace with France; but even this was denied him; and he died on the 1st of June, 1377, leaving the reins of government to fall into the hands of a boy of eleven years of age, the eldest son of the Black Prince, who was crowned at Westminster, on the 11th July, 1377, by the title of Richard the Second. Edward the Third was a monarch deservedly beloved by his people, and distinguished for the wisdom and the happy union of firmness and lenity which marked his domestic administration; but his passion for conquest and military renown, which he gratified at an immense expense of money and of human life, whilst it served to throw that dangerous and fictitious splendour over his reign which is yet scarcely dissipated, was undoubtedly destructive of the best and highest interests of his kingdom. Nothing, indeed, could afford a more striking lesson on the vanity of foreign conquest, and the emptiness of human grandeur, than the circumstances in which he died: stript of the fairest provinces which had been the fruit of his victories, the survivor of his brave son and his best captains, and at last pillaged and deserted in his last moments by his faithless mistress and ungrateful domestics. His death delivered Scotland for the time

1371. A parliament was held by Robert the Second at Scone, on the 3d of April, 1373, of which an important document has been preserved, touching the succession to the crown. Ibid. sub anno 1373.



from apprehension, and weakened in a great measure those causes of suspicion and distrust which have already been described.

But, although the action of these was suspended, there were other subjects of mutual irritation, which could not be so easily removed. The feudal system, which then existed in full vigour in Scotland, contained within itself materials the very reverse of pacific. The power of the barons had been decidedly increasing since the days of Robert the First; the right of private war was exercised by them in its full extent; and, on the slightest insult or injury offered to one of their vassals by the English wardens of the border, they were ready to take the law into their own hands, and, at the head of a force, which for the time defied all resistance, to invade the country, and inflict a dreadful vengeance. In this manner the king was frequently drawn in to support, or at least to connive at, the atrocities of a subject too powerful for him to control or resist; and a spark of individual malice or private revenge would kindle those materials, which were ever ready to be inflamed, into the wide conflagration of a general war.

The truth of these remarks was soon shown. At the fair of Roxburgh, a gentleman, belonging to the bedchamber of the Earl of March, was slain in a brawl by the English, who then held the castle in their hands. March, a grandson of the great Randolph, was one of the most powerful of the Scottish nobles. He instantly demanded redress, adding, that, if it was not given, he would not continue to respect the truce; but his representation was treated with scorn, and, as the earl did not reply, it was imagined he had forgotten the affront. Time passed on, and the feast of St Laurence arrived, which was the season for the next fair to be

held, when the town was again filled with the English, who, in unsuspecting security, had taken up their residence for the purposes of traffic or pleasure. Early in the morning, March, at the head of an armed force, surprised and stormed the town, set it on fire, and commenced a pitiless slaughter of the English, sparing neither age nor infancy. Many who barricaded themselves in the booths and houses, were dragged into the streets and murdered, or met a more dreadful death in the flames; and the earl, at his leisure, drew off his followers, enriched with plunder, and glutted with revenge.<sup>1</sup>

This atrocious attack proved the commencement of a series of hostilities, which, although unauthorized by either government, were carried on with obstinate and systematic cruelty. The English borderers flew to arms, and broke in upon the lands of Sir John Gordon, one of March's principal assistants in the recent attack upon Roxburgh. Gordon, in return, having collected his vassals, invaded England, and carried away a large booty in cattle and prisoners; but, before he could cross the border, was attacked in a mountain-pass by Sir John Lilburn, at the head of a body of knights and men-at-arms, double the number of the Scots. The skirmish was one of great obstinacy, and constituted what Froissart delights in describing as a fair point of arms, in which there were many empty saddles, and many torn and trampled banners; but, although grievously wounded, Gordon made good his retreat, took Lilburn prisoner, and secured his plunder.<sup>2</sup> This last insult called down the wrath of the English warden, Henry Percy earl of Northumberland, who,

<sup>1</sup> Fordun a Goodal, vol. ii. p. 384. Winton, vol. ii. p. 306. Walsingham, p. 198.

<sup>2</sup> Winton, vol. ii. p. 309.

loudly accusing the Scots of despising the truce, at the head of an army of seven thousand men, broke across the border, and encamped near Dunse, with the design of laying waste the extensive possessions of the Earl of March, which were situated in that quarter. But this "warden raid," which involved such great preparations, ended in a very ridiculous manner. The great proportion of the English consisted of knights and men-at-arms, whose horses were picketed on the outside of the encampment, under the charge of the sutlers and camp-boys, whilst their masters slept on their arms in the centre. It was one of the injunctions of the good King Robert's testament, to alarm the encampments of the English

By wiles and wakening in the nycht,  
And meikil noise made on hycht ;<sup>1</sup>

and in this instance Percy suffered under its success. At the dead of night his position was surrounded, not by an army, but by a multitude of the common serfs and varlets, who were armed only with the rattles which they used in driving away the wild beasts from their flocks ; and such was the consternation produced amongst the horses and their keepers, by the sounding of the rattles, and the yells and shouting of the assailants, whose numbers were magnified by the darkness, that all was thrown into disorder. Hundreds of horses broke from the stakes to which they were picketed, and fled masterless over the country : numbers galloped into the encampment, and carried a panic amongst the knights, who stood to their arms, and every moment expected an attack : but no enemy appeared ; and when morning broke, the Earl of Northumberland had the mortification to discover at once

<sup>1</sup> Fordun a Goodal, vol. ii. p. 232.

the ridiculous cause of the alarm, and to find that a great proportion of his best soldiers were unhorsed, and compelled, in their heavy armour, to find their way back to England. A retreat was ordered; and after pillaging the lands of the Earl of March, the warden recrossed the border.<sup>1</sup>

It was unfortunate that these infractions of the truce, which were decidedly injurious to the best interests of both countries, were not confined to the eastern marches. The Baron of Johnston, and his retainers and vassals, harassed the English on the western border;<sup>2</sup> while at sea, a Scottish naval adventurer of great spirit and enterprise, named Mercer, infested the English shipping, and, at the head of a squadron of armed vessels, consisting of Scottish, French, and Spanish privateers, scoured the channel, and took many rich prizes. The father of this bold depredator is said by Walsingham to have been a merchant of opulence, who resided in France, and was in high favour at the French court. During one of his voyages, he had been taken by a Northumbrian cruiser, and carried into Scarborough;<sup>3</sup> in revenge of which insult, the son attacked this sea-port, and plundered its shipping. Such was the inefficiency of the government of Richard, that no measures were taken against him; till at last Philpot, a wealthy London merchant, at his own expense fitted out an armament of several large ships of war, and attacking Mercer, entirely defeated him, took him prisoner, and captured his whole squadron, among which were fifteen Spanish vessels, and many rich prizes.<sup>4</sup>

<sup>1</sup> Fordun & Goodal, vol. i. p. 385. Winton, vol. ii. p. 309.

<sup>2</sup> Winton, vol. ii. p. 311.

<sup>3</sup> Rotuli Scotiæ, vol. ii. p. 16, 20th June, 2 Rich. II.

<sup>4</sup> Walsingham, p. 211.

It would be tedious and uninteresting to enter into any minute details of the insulated and unimportant hostilities which, without any precise object, continued for some years to agitate the two countries: committed during the continuance of a truce, which was publicly declared to be respected by both governments, they are to be regarded as the outbreakings of the spirit of national rivalry engendered by a long war, and the effects of that love of chivalrous adventure which was then at its height in Europe. The deep-laid plans of Edward the Third for the entire subjugation of Scotland were now at an end; the character of the government of Richard the Second, or rather of his uncles, into whose hands the management of the state had fallen, was, with regard to Scotland, decidedly just and pacific; and the wisest policy for that country would have been to have devoted her whole attention to the regulation of her internal government, to the recruiting of her finances, and the cultivation of those arts which form the true sources of the prosperity and greatness of a kingdom. Had the king been permitted to follow the bent of his own disposition, there is reason to think that these principles would have been adopted; but the nobility was still too powerful and independent for the individual character of the sovereign to have much influence; and the desire of plunder, and the passion for military adventure, rendered it impossible for such men to remain at peace.

Another cause increased these hostile feelings. Although the alliance with France was no longer essentially advantageous to Scotland, yet the continuance of the Scottish war was of importance to France, in the circumstances in which that country was then placed; and no means were left unemployed to secure it. The consequence of all this was the perpetual

infringement of the truce by hostile invasions, and the reiterated appointment of English and Scottish commissioners, who were empowered to hold courts on the borders for the redress of grievances. These repeated border raids, which drew after them no important results, are of little interest. They had the worst effect, as they tended greatly to increase the exasperation between the two countries, and to render more distant and hopeless the prospect of peace; and they become tedious when we are obliged to regard them as no longer the simultaneous efforts of a nation in defence of their independence, but the selfish and disjointed expeditions of an aristocracy, whose principal objects were plunder and military adventure. It was in one of these that the castle of Berwick was stormed and taken by a small body of adventurers, led by Alexander Ramsay, who, when summoned by the Scottish and English wardens, proudly replied, "that he would give up his prize neither to the monarch of England nor of Scotland, but would keep it while he lived for the King of France." Some idea may be formed of the ignorance of the mode of attacking fortified towns in those days, from the circumstance that the handful of Scottish borderers, who were led by this intrepid soldier, defended the castle for some time against the Earl of Northumberland, at the head of ten thousand men, assisted by miners, mangonels, and all the machinery for carrying on a siege.<sup>1</sup>

It was in this siege that Henry Percy, afterwards so famous under the name of Hotspur, first became acquainted with arms; and a quarrel, which had begun in a private plundering adventure, ended in a more

<sup>1</sup> Walsingham, p. 219. Froissart, par Buchon, vol. vii. pp. 44, 48.  
VOL. II. Y

serious manner. After making himself master of Berwick, the Earl of Northumberland, along with the Earl of Nottingham, and Sir Thomas Musgrave, the governor of Berwick, invaded the southern parts of Scotland; and Sir Archibald Douglas, having under him a considerable force, had advanced against him; but being unable to cope with the army of Percy, he retired, and awaited the result. As he had probably expected, Musgrave, who enjoyed a high reputation for military enterprise, pushed on to Melrose, at the head of an advanced division; and suddenly on the march found himself in the presence of Douglas and the Scottish army: a conflict became unavoidable, and it was conducted with much preparatory pomp and formality. Douglas called to him two sons of King Robert, who were then under his command, and knighted them on the field; Musgrave conferred the same honour on his son; and although he was greatly outnumbered by the Scots, trusting to the courage of his little band, who were mostly of high rank, and to the skill of the English archers, began the fight with high hopes. But after a short and desperate conflict, accompanied with a grievous slaughter, the English were defeated. It was the custom of Sir Archibald Douglas, as we learn from Froissart, when he found the fight becoming hot, to dismount, and attack the enemy with a large two-handed sword; and on this occasion, such was the fury of his assault, that nothing could resist it.<sup>1</sup> Musgrave and his son, with many other knights and esquires, were taken prisoners; and Douglas, who felt himself unequal to oppose the main army of Percy and the Earl of Nottingham, fell back upon Edinburgh. The succeeding years were occu-

<sup>1</sup> Froissart, par Buchon, vol. vii. p. 57.

pied in the same course of border hostilities; whilst in England, to the miseries of invasion and plunder, was added the calamity of a pestilence, which swept away multitudes of her inhabitants, and, by weakening the power of resistance, increased the cruelty of her enemy.<sup>1</sup>

At length John of Gaunt, the Duke of Lancaster, who at this time directed the counsels of his nephew Richard the Second, approached Scotland at the head of a powerful army, although he declared his object to be solely the renewal of the truce, and the establishment of peace and good order between the two countries. Sir Archibald Douglas lord of Galloway, along with the Bishops of Dunkeld and Glasgow, and the Earls of Douglas and March, were immediately appointed commissioners to open a negotiation; and having consented to a cessation of hostilities, Lancaster disbanded his army, and agreed to meet the Scottish envoys in the following summer in a more pacific guise, at the head of his usual suite. The conference accordingly took place, and the Earl of Carrick, the heir of the throne, managed the negotiations on the part of Scotland; which concluded in an agreement to renew the truce for the space of three years, during which time the English monarch consented to delay the exaction of the remaining penalty of the ransom of David the Second, of which twenty-five thousand marks were still due.<sup>2</sup>

It was at this time that the famous popular insurrection, which was headed by Wat Tyler, had arrived at its height in England; and Lancaster, who was suspected of having given countenance to the insurgents, and who dreaded the violence of a party which

<sup>1</sup> Rotuli Scotiæ, June 7, 2 Rich. II., and March 5, 5 Rich. II., vol. ii. pp. 16, 42.

<sup>2</sup> Rymer, vol. vii. p. 312.



had been formed against him, found himself in an awkward and perilous dilemma. He begged permission of the Earl of Carrick to be permitted to retreat for a short season into Scotland; and the request was not only granted, but accompanied with circumstances which marked the courtesy of the age. The Earl of Douglas, along with Sir Archibald Douglas lord of Galloway, conducted him with a brilliant retinue to Haddington; from which they proceeded to Edinburgh, where the abbey of Holyrood was fitted up for his reception. Gifts and presents were made to him by the Scottish nobles; and here he remained till the fury of the storm was abated, and he could return in safety, escorted by a convoy of eight hundred Scottish spears, to the court of his nephew.<sup>1</sup> This friendly conduct, and the desire of remaining at peace, which was felt by both monarchs, might have been expected to have averted hostilities for some time; yet such was the influence of a restless aristocracy, that previous to the expiry of this truce, Scotland again consented to be involved in a negotiation with the French king, which eventually entailed upon the nation the calamities of a war, undertaken with no precise object, and carried on at an immense expense of blood and treasure.

The foundation of this new treaty appears to have been those secret articles regarding an invasion of England, which have been already mentioned. A prospect of the large sum of forty thousand franks of gold, to be distributed amongst the Scottish nobles, and an engagement to send into Scotland a body of a thousand men-at-arms, with a supply of a thousand suits of armour, formed a temptation which could not easily be resisted; and although no definite agree-

<sup>1</sup> Winton, vol. ii. pp. 315, 316.

ment was concluded, it became evident to England that her enemy had abandoned all pacific intentions.<sup>1</sup>

When the truce expired, the war was renewed with increased rancour. Lochmaben, a strong castle, which had been long in the hands of the English, was taken by Sir Archibald Douglas;<sup>2</sup> and the Duke of Lancaster invaded Scotland, at the head of a numerous army, and accompanied by a fleet of victualling ships, which anchored in the Forth near Queensferry. But the expedition was singularly unfortunate. Although it was now the month of March, the Scottish winter had not concluded, and the cold was intense. Lancaster, after exhausting the English northern counties in the support of his host, pushed on to Edinburgh, which his knights and captains were eager to sack and destroy. In this, however, they were disappointed; for the English commander, mindful of the generous hospitality which he had lately experienced, commanded the army to encamp at a distance from the town, and issued the strictest orders that none should leave the ranks. For three days, parties of the Scots could be seen carrying off every thing that was valuable, and transporting their goods and chattels beyond the Forth. Numbers of the English soldiers, in the meantime, began to be seized with sickness, occasioned by exhalations from the marshes; and within a short time, five hundred horses died of cold. When at length permitted to advance to Edinburgh, the soldiers, as was to be expected, found nothing to supply their urgent wants: the Scots had even carried off the straw roofs of their wooden houses; and having retreated into the woods and strongholds, quietly awaited the retreat of the English; and began their usual mode of

<sup>1</sup> Records of the Parliament of Scotland, sub anno 1383, p. 131.

<sup>2</sup> Winton, vol. ii. p. 317.

warfare, by cutting off the foraging parties which, disregarding the orders of Lancaster, were compelled, by the calls of hunger, to leave the encampment.<sup>1</sup> In the meantime, Sir Alexander Lindsay had attacked and put to the sword the crew of one of the English ships, which had made good a landing on the ground above Queensferry; and the King of Scotland had issued orders to assemble an army, for the purpose of intercepting Lancaster in his retreat to England.

At this crisis, ambassadors arrived from France, to notify the truce lately concluded between that country and England; whilst, at the same time, in the spirit of military adventure then so prevalent, a party of French knights and esquires, tired of being idle at home, took shipping for Scotland; and, on their arrival at Edinburgh, found the Scottish parliament deliberating on the propriety of prosecuting the war. The king and the nobles were divided in their opinion. Robert, with true wisdom, and a desire to promote the best interests of his people, desired peace; and whilst he received the French knights with kindness and courtesy, commanded them and his nobles to lay aside all thoughts of hostilities. Meanwhile Lancaster had profited by the interval allowed him, and made good his retreat; which was accompanied, as usual in these expeditions, with the total devastation of the country through which he passed, and the plunder of the immense estates of the border earls. To them, and to the rest of the nobility, the king's proposal was particularly unsatisfactory; nor are we to wonder, that when their fields and woods, their manors and villages, were still blackened with the fires of the English, and their foot had been in the stirrup to pursue them, the counter order of the king, and the message of the

<sup>1</sup> Walsingham, pp. 308, 309.

French envoys regarding the truce, came rather unseasonably.

These, however, were not the days when Scottish barons, having resolved upon war, stood upon much ceremony, either as to the existence of a truce, or the commands of a sovereign. It was, accordingly, privately determined by the Earls of Mar and Douglas, along with Sir Archibald the lord of Galloway, that the foreign knights, who had travelled so far to prove their chivalry, should not be disappointed; and after a short stay at Edinburgh, they were surprised by receiving a secret message from Douglas, requiring them to repair to his castle at Dalkeith, where they were warmly welcomed; and again taking horse, found themselves, in three days' riding, in the presence of an army of fifteen thousand men, mounted on active hackneys, and lightly armed, after the fashion of their country.<sup>1</sup> With this force they instantly broke into the northern counties of England; wasted the towns and villages with fire and sword; wreaked their vengeance upon the estates of the Earls of Northumberland and Nottingham; and returned with a large booty in prisoners and cattle. We learn from Froissart, that the King of Scotland was ignorant of this infraction of the truce; and, in much concern, immediately despatched a herald to explain the circumstances to the English court.<sup>2</sup> But it is more probable, that, knowing of the intended expedition, he was unable to prevent it. However this might be, its consequences were calamitous; for, as usual, it brought an instan-

<sup>1</sup> Froissart, vol. ix. p. 27. Walsingham, p. 309. About this time, the remaining part of Teviotdale, which, since the battle of Durham, had been in the hands of the English, was recovered by the exertions of the Earl of Douglas. Winton, vol. ii. p. 322.

<sup>2</sup> Froissart, par Buchon, vol. ix. p. 28. Rotuli Scotie, vol. ii. 1385, p. 63.

taneous retaliation upon the part of the Earl of Northumberland; and the French knights, on their return to their own country, spoke so highly in favour of the pleasures of a Scottish "raid," and the facilities offered to an attack upon England in this quarter, that the King of France began to think seriously of carrying the projected treaty, to which we have already alluded, into immediate execution, and of sending an army into Scotland.

An interval, which cannot be said to belong either to peace or to war, succeeded these events, and offers little of general interest, the border inroads being continued with equal and unvaried cruelty; but in a meeting of the parliament, which took place at Edinburgh, a few provisions were passed regarding the state of the country, which are not unworthy of notice.<sup>1</sup> It was determined that those greater and lesser barons to whom the sovereign, in the event of war, had committed certain divisions of the kingdom, should have their array of men-at-arms and archers in such readiness that, as soon as required, they should be ready to pass to the borders in warlike apparel, with horse, arms, and provisions; so that the lands through which the host marched should not be wasted by their exactions.

It appears that grievous injury had been suffered, owing to the total want of all law and justice in the northern districts of the kingdom. Troops of feudal robbers, chiefs who lived by plunder, and owned no allegiance either to king or earl, traversed the Highland districts, and enlisted into their service malefactors and *ketherans*, who, without respect to rank or authority, burnt, slew, and plundered, wherever their

<sup>1</sup> Records of the Parliament of Scotland, sub anno 1385, p. 133.

master chose to lead. This dreadful state of things called for immediate attention ; and to the Earl of Carrick, the heir to the throne, was the arduous affair intrusted. He was commanded to repair instantly to the disordered districts, at the head of a force which might ensure obedience ; to call a meeting of the wisest landholders of these northern parts ; and, having taken their advice, to adopt such speedy measures as should strike terror into the guilty, and restore order and good government throughout the land.<sup>1</sup>

The large district of Teviotdale, which had long been in the possession of the English, having been now cleared of these intruders, and restored to the kingdom by the arms of the Earl of Douglas, it became necessary to adopt measures for the restoration of their lands to those proprietors who had been expelled from them during the occupation of the country by the enemy. It was ordered that all persons in Teviotdale who had lately transferred their allegiance from the King of England to the King of Scotland, should, within eight days, exhibit to the chancellor their charters, containing the names of the lands and possessions which they claimed as their hereditary right, wherever they happened to be situated, along with the names of those persons who now possessed them, and of the sheriffdoms within whose jurisdiction they were situated. The object of this was to enable all those persons who, on the part of the claimants in Teviotdale, were about to receive letters of summons from the chancellor, to present their letters with such diligence to the sheriffs, as to enable these officers, within eight days, to expedite the proper citations. It was, besides, ordained that the chancellor should

<sup>1</sup> Cartulary of Aberdeen, Advocates' Library, pp. 104, 105.

direct the king's letters to the various sheriffs, commanding them to summon all persons who then held, or asserted their right to hold, any lands, to appear before the king and council, bringing with them their charters and title-deeds, that they might hear the final decision on the subject.<sup>1</sup>

The next provision of the parliament introduces us to a case of feudal oppression, strikingly characteristic of the times ; and evinces how feeble and impotent was the arm of the law against the power of the aristocracy. William de Fentoun complained that he had been unjustly expelled from his manor of Fentoun, by a judgment pronounced in the court of the Baron of Dirleton. He immediately appealed to the Sheriff of Edinburgh, and was restored. Again was he violently thrust out, upon which he carried his cause before the king's privy council, and by their solemn award his lands were once more restored. In the face of this last decision by the sovereign and his council, this unfortunate person continued to be excluded from his property by the Baron of Dirleton, who, against all law, violently kept him down ; so that he was compelled, in extreme distress, to appeal to the parliament. This case of reiterated tyranny and oppression having been proved by the evidence of the sheriff, it was resolved that Fentoun, without delay, should be reinstated by the royal power ; and that the rents due since the period of his expulsion should be instantly restored to him. Whether this final judgment by the court of last resort was more successful than the former sentences against this feudal tyrant, cannot now be discovered ; but it is very possible that Fentoun never recovered his property. The remaining provi-

<sup>1</sup> Records of the Parliament of Scotland, sub anno 1385, p. 133.

sions of the parliament are of little moment, and relate chiefly to the amicable arrangement of some disputes which had arisen between the Earls of Buchan and of Strathern, both of them sons of the king.

An event of great interest and importance now claims our attention, in the expedition of John de Vienne, the Admiral of France, into Scotland. It is one of the miserable consequences of war, and the passion for conquest, that they almost indefinitely perpetuate the evils which they originally produce. A nation once unjustly attacked, and for a time treated as a conquered people, is not satisfied with the mere defence of its rights, or the simple expulsion of its invaders: wounded pride, hatred, the desire of revenge, the love of plunder, or of glory, all provoke retaliation; and man delights to inflict upon his enemy the extremity of misery from which he has just escaped himself. France, accordingly, began to ponder upon the best mode of carrying the war into England; and the representations of the knights who had served in the late expedition of Douglas, had a strong effect in recommending an invasion through Scotland. They remarked, that the English did not fight so well in their own country as on the continent;<sup>1</sup> and without adverting to the true cause of Douglas's success, in the skill with which he seized the moment when Lancaster's army had dispersed, and his rapid retreat before the English wardens could assemble their forces, they contrasted the obstinacy with which the English disputed every inch of ground in France, with the facility with which they themselves had been permitted to march and plunder in England.

It was accordingly determined to fulfil the stipula-

<sup>1</sup> Froissart, par Buchon, vol. ix. p. 162.



tions of the last treaty, and to attack the English king upon his own ground, by sending a large body of auxiliaries into Scotland, and co-operating with that nation in an invasion. For this purpose they selected John de Vienne admiral of France, and one of the most experienced captains of the age, who embarked at Sluys, in Flanders, with a thousand knights, esquires, and men-at-arms, forming the flower of the French army, besides a body of cross-bowmen and common soldiers, composing altogether a force of two thousand men. He carried along with him fourteen hundred suits of armour for the Scottish knights, and fifty thousand franks of gold,<sup>1</sup> to be paid, on his arrival, to the king and his barons. It was determined to attack England at the same time by sea; and a naval armament for this purpose had been prepared at a great expense by the French: but this part of the project was unsuccessful, and the fleet never sailed.

Meanwhile all seemed to favour the expedition of Vienne. The wind was fair, the weather favourable, for it was in the month of May; and the transports, gleaming with their splendid freight of chivalry, and gay with innumerable banners, were soon wafted to the Scottish coast, and cast anchor in the ports of Leith and Dunbar. They were warmly welcomed by the Scottish barons; and the sight of the suits of foreign armour, then highly prized, with the promise of a liberal distribution of the French gold, could not fail to make a favourable impression.<sup>2</sup> On the arrival of the

<sup>1</sup> Winton, vol. ii. p. 324. He says there were eight hundred knights, of which number a hundred and four were knights-bannerets; and, besides this, four hundred arblasts, or crossbows.

<sup>2</sup> The proportion in which the French money was distributed amongst the Scottish nobles, gives us a pretty correct idea of the comparative consequence and power of the various members of the Scottish aristocracy. See Rymer, vol. vii. pp. 484, 485.

admiral at Edinburgh, he found that the king was then residing in the district which Froissart denominates the wild of Scotland; meaning, perhaps, his palace of Stirling, which is on the borders of a mountainous country. His speedy arrival, however, was looked for; and till then the Earls of Moray and Douglas took charge of the strangers. To provide lodgings for them all in Edinburgh was impossible; and in the efforts made to house their fastidious allies, who had been accustomed to the *hôtels* of Paris, we are presented with a striking picture of the poverty of this capital, when contrasted with the wealth and magnitude of the French towns. It became necessary to furnish quarters for the knights in the adjacent villages; and the necessity of billeting such splendid guests upon the burgesses, farmers, and yeomen, occasioned loud and grievous murmurs. Dunfermline, Queensferry, Kelso, Dunbar, Dalkeith, and many other towns and villages not mentioned by Froissart, were filled with strangers, speaking a foreign language, appropriating to themselves, without ceremony, the best of every thing they saw, and assuming an air of superiority which the Scots could not easily tolerate. Mutual dissatisfaction and hatred naturally arose; and although the Earls of Douglas and Moray, who were well contented with an expedition which promised them the money of France as well as the plunder of England, continued to treat the French with kindness and courtesy, the people and the lesser barons began to quarrel with the intruders, and to adopt every method for their distress and annoyance. All this is feelingly described by the delightful and garrulous historian of the period: "What evil spirit hath brought you here? was," he tells us, "the common expression employed by the Scots to their allies. Who sent for

you? Cannot we maintain our war with England well enough without your help? Pack up your goods and begone; for no good will be done as long as ye are here! We neither understand you, nor you us. We cannot communicate together; and in a short time we shall be completely rifled and eaten up by such troops of locusts. What signifies a war with England? the English never occasioned such mischief as ye do. They burned our houses, it is true: but that was all; and with four or five stakes, and plenty green boughs to cover them, they were rebuilt almost as soon as they were destroyed." It was not, however, in words only that the French were thus ill-treated. The Scottish peasants rose against the foraging parties, and cut them off. In a month, more than a hundred men were slain in this manner; and at last none ventured to leave their quarters.<sup>1</sup>

At length the king arrived at Edinburgh, and a council was held by the knights and barons of both nations, on the subject of an immediate invasion of England. And here new disputes and heartburnings arose. It was soon discovered that Robert was averse to war. "He was," says Froissart, whose information regarding this expedition is in a high degree minute and curious, "a comely tall man, but with eyes so blood-shot, that they looked as if they were lined with scarlet; and it soon became evident that he himself preferred a quiet life to war: yet he had nine sons who loved arms." The arguments of his barons, joined to the remonstrances of Vienne, and the distribution of the French gold, in the end overcame the repugnance of the king; and the admiral had soon the satisfaction of seeing an army of thirty thousand horse assembled in the fields near Edinburgh.

<sup>1</sup> Froissart, par Buchon, vol. ix. pp. 155, 157.

Unaccustomed, however, to the Scottish mode of carrying on war, and already disposed to quarrel on account of the injuries they had met with, the French were far from cordially co-operating with their allies; so that it was found necessary to hold a council of officers, and to draw up certain regulations, for the maintenance of order during the expedition, which were to be equally binding upon the soldiers of both nations. Some of these articles are curious and characteristic: No pillage was permitted in Scotland under pain of death; the merchants and victuallers who followed or might resort to the camp, were to be protected, and have prompt payment; any soldier who killed another was to be hanged; if any varlet defied a gentleman, he was to lose his ears; and if any gentleman challenged another, he was to be put under arrest, and justice done according to the advice of the officers. In the case of any riot arising between the French and the Scots, no appeal to arms was to be permitted; but care was to be taken to arrest the ringleaders, who were to be punished by the council of the officers. When riding against the enemy, if a French or a Scottish man-at-arms should bear an Englishman to the earth, he was to have half his ransom; no burning of churches, ravishing or slaughter of women or infants, was to be suffered; and every French and Scottish soldier was to wear a white St Andrew's cross on his back and breast; which, if his surcoat or jacket was white, was to be broidered on a division of black cloth.<sup>1</sup>

It being now time to commence the campaign, the army broke at once across the marches, and after a destructive progress, appeared before the castle of

<sup>1</sup> Records of the Parliament of Scotland, sub anno 1385, pp. 135, 136.

Roxburgh. The king's sons, along with De Vienne the admiral, and the Earls of Douglas, Mar, Moray, and Sutherland, were the Scottish leaders; but Robert himself, unwieldy from his age, remained at Edinburgh. Roxburgh castle, strong in its fortifications, and excellently situated for defence, offered little temptation to a siege. For many months it might have been able to defy the most obstinate attacks of the united powers of France and Scotland; and all idea of making themselves masters of it being abandoned, the army pushed on towards Berwick, and with difficulty carried by assault the two smaller fortalices of Ford and Cornal, which were bravely defended by an English knight and his son.<sup>1</sup> Werk, one of the strongest border castles, commanded by Sir John Lushorn, was next assaulted; and, after a severe loss, stormed and taken, chiefly, if we may believe Froissart, by the bravery of the French; whilst the country was miserably wasted by fire and sword, and the plunder and the prisoners slowly driven after the host, which advanced by Alnwick, and carried their ravages to the gates of Newcastle. Word was now brought that the Duke of Lancaster, and the barons of the bishoprics of York and Durham, with the Earls of Northumberland and Nottingham, had collected a powerful force, and were advancing by forced marches to meet the enemy; and here it became necessary for the captains of the different divisions to deliberate whether they should await them where they were, and hazard a battle, or fall back upon their own country. This last measure the Scots naturally preferred. It was their usual mode of proceeding to avoid all great battles; and the result of the war of liberty had shown the

<sup>1</sup> Winton, vol. ii. p. 324.

wisdom of the practice. Indeed, outnumbered as they always were by the English, and far inferior to them in cavalry, in archers, in the strength of their horses, and the temper of their arms, it would have been folly to have attempted it. But Vienne, one of the best and proudest soldiers in Europe, could not enter into this reasoning. He and his splendid column of knights, esquires, and archers, were anxious for battle; and it was with infinite reluctance that he suffered himself to be overpersuaded by the veteran experience of Douglas and Moray, and consented to fall back upon Berwick.

In the meantime, the King of England assembled an army more potent in numbers and equipment than any which had visited Scotland for a long period. It was the first field of the young monarch; and his barons, eager to demonstrate their loyalty, attended with so full a muster, that, according to a contemporary English historian, three hundred thousand horses were employed.<sup>1</sup> The unequal terms upon which a richer and a poorer country make war on each other were never more strikingly evinced than in the result of these English and Scottish expeditions. The Scots, breaking in upon the rich fields of England, mounted on their hardy little hackneys, which lived on so little in their own country that any change was for the better, carrying nothing with them but their arms, inured to all weathers and fearlessly familiar with danger, found war a pastime rather than an inconvenience; enriched themselves with plunder, which they transported with wonderful expedition from place to place, and at last safely landed it at home. Intimately acquainted with the seat of war, on the

<sup>1</sup> Walsingham, pp. 316, 537. . . Otterburn, p. 161.

approach of the English they could accept or decline battle as they thought best : if outnumbered, as was generally the case, they retired, and contented themselves with cutting off the convoys or foraging parties, and securing their booty ; if the English, from want of provisions, or discontent and disunion amongst the leaders, commenced their retreat, it was infested by their unwearied enemy, who instantly pushed forward, and, hovering round their line of march, never failed to do them serious mischief. On the other hand, the very strength, and warlike and complicated equipment of the English army, proved its ruin, or at least totally defeated its object ; and this was soon seen in the result of Richard's invasion. The immense mass of his host slowly proceeded through the border counties by Liddesdale and Teviotdale,<sup>1</sup> devouring all as they passed on, and leaving behind them a black desert. In no place did they meet an enemy ; the Scots had stript the country of every thing but the green crops on the ground ; and empty villages, which were given to the flames, and churches and monasteries razed and plundered, formed the only triumphs of the campaign.

One event, however, is too characteristic to be omitted. When the news of this great expedition reached the camp of Douglas and Vienne, who had fallen back towards Berwick, the Scots, although aware of the folly of attempting to give battle, yet deemed it prudent to approach nearer, and watch the progress of their enemy. Here, again, the impatient temper of the French commander broke out, and he insisted that their united strength was equal to meet the English ;

<sup>1</sup> In the *Archæologia*, vol. xxii. part i. p. 13, will be found an interesting paper, describing the army of Richard and its leaders, printed from a MS. in the British Museum, and communicated by Sir Harris Nicolas.

on which the Earl of Douglas requested him to ride with him to a neighbouring eminence, and reason the matter as they went. The admiral consented, and was surprised when they arrived there to hear the tramp of horse, and the sound of martial music. Douglas had, in truth, brought him to a height which hung over a winding mountain-pass, through which the English army were at that moment defiling, and from whence, without the fear of discovery, they could count the banners, and perceive its strength. The argument thus presented was not to be questioned; and Vienne, with his knights, permitted themselves to be directed by the superior knowledge and military skill of the Scottish leaders.<sup>1</sup>

Meanwhile, King Richard pushed on to the capital. The beautiful abbeys of Melrose and Dryburgh were given to the flames; Edinburgh was burned and plundered, and nothing spared but the monastery of Holyrood. It had lately, as we have seen, afforded a retreat to John of Gaunt, the king's uncle, who now accompanied him, and, at his earnest entreaty, was excepted from the general ruin. But the formidable expedition of the king was here concluded; and that unwise and selfish spirit of revenge and destruction, which had wasted the country, began to recoil upon the heads of its authors.<sup>2</sup> Multitudes perished from want, and provisions became daily more scarce in the camp. In such circumstances, the Duke of Lancaster advised that they should pass the Forth, and, imitating the example of Edward the First, attack and overwhelm the northern counties. But Richard, who scrupled

<sup>1</sup> Froissart, par Buchon, vol. ix. p. 144.

<sup>2</sup> Froissart, vol. ix. p. 147, asserts that the English burnt St Johnston, Dundee, and pushed on as far as Aberdeen; but I have followed Walsingham and Fordun, who give the account of their ravages as it is found in the text.



not to accuse his uncle of treasonable motives, in proposing so desperate a project, which was, in truth, likely to increase the difficulties of their situation, resolved to retreat instantly by the same route which he had already travelled.

Before this, however, could be effected, the Scottish army, with their French auxiliaries, broke into England by the western marches; and, uniting their forces with those of Sir Archibald Douglas lord of Galloway, ravaged Cumberland with a severity which was increased by the accounts of the havock committed by the English. Towns, villages, manors, and hamlets, were indiscriminately plundered and razed to the ground; crowds of prisoners, herds of cattle, wagons and sumpter-horses, laden with the wealth of burghers and yeomen, were driven along; and the parks and pleasure grounds of the Earls of Nottingham and Stafford, of the Mowbrays, the Musgraves, and other border barons, swept of their wealth, and plundered with a merciless cruelty, which increased to the highest pitch the animosity between the two nations, and rendered the prospect of peace remote and almost hopeless. After this destruction, the united armies made an unsuccessful assault upon the city of Carlisle,<sup>1</sup> the fortifications of which withstood their utmost efforts; and upon this repulse, which seems to have renewed the heartburning between the French and Scots, they again crossed the border, the French boasting that they had burnt, destroyed, and plundered more in the bishopricks of Durham and Carlisle than was to be found in all the towns of Scotland put together.<sup>2</sup>

<sup>1</sup> Winton, vol. ii. p. 325, affirms they would not assault Carlisle, for "thai dred tynsale of men."

<sup>2</sup> Fordun a Goodal, vol. ii. p. 401. Froissart, par Buchon, vol. ix. p. 155.

When the army reached their former quarters, and proceeded to encamp in Edinburgh and the adjacent country, an extraordinary scene presented itself. The land, so lately a solitary desert, was in a few hours alive with multitudes of the Scots, who emerged from the woods and mountain passes, driving their flocks and cattle before them, accompanied by their wives and children, and returning with their chattels and furniture to the burnt and blackened houses which they had abandoned to the enemy. The cheerfulness with which they bore these calamities, and set themselves to repair the havock which had been committed, appears to have astonished their refined allies; but the presence of two thousand Frenchmen, and the difficulty of finding them provisions, was an additional evil which they were not prepared to bear so easily; and when the Admiral of France, to lighten the burden, abandoned his design of a second invasion of England, and permitted as many as chose to embark for France, the Scots refused to furnish transports, or to allow a single vessel to leave their ports, until the French knights had paid them for the injuries they had inflicted by riding through their country, trampling and destroying their crops, cutting down their woods to build lodgings, and plundering their markets. To these conditions Vienne was compelled to listen; indeed, such was the miserable condition in which the campaign had left his knights and men-at-arms, who were now for the most part unhorsed, and dispirited by sickness and privation, that, to have provoked the Scots, might have led to serious consequences. He agreed, therefore, to discharge the claims of damage and reparation which were made against his soldiers; and for himself came under an obligation not to leave the country till they were

fully satisfied, his knights being permitted to return home.

These stipulations were strictly fulfilled. Ships were furnished by the Scots, and, to use the expressive language of Froissart, "divers knights and squires had passage, and returned into Flanders, as wind and weather drove them, with neither horse nor harness, right poor and feeble, cursing the day that ever they came upon such an adventure; and fervently desiring that the Kings of France and England would conclude a peace for a year or two, were it only to have the satisfaction of uniting their armies, and utterly destroying the realm of Scotland." Some knights who were fond of adventure, and little anxious to return to France in so miserable a condition, passed on to Denmark, Norway, and Sweden; others took shipping for Ireland, desirous of visiting the famous cavern known by the name of the purgatory of St Patrick;<sup>1</sup> and Vienne himself, after having corresponded with his government, and discharged the claims which were brought against him, took leave of the king and nobles of Scotland, and returned to Paris.

Such was the issue of an expedition fitted out by France at an immense expense, and which, from being hastily undertaken, and only partially executed, concluded in vexation and disappointment. Had the naval armament which was to have attacked England on the south been able to effect a descent, and had the Constable of France, according to the original intention, co-operated with Vienne, at the head of a large body of Genoese cross-bowmen and men-at-arms,<sup>2</sup> the result might perhaps have been different; but the great causes of failure are to be traced to the impossi-

<sup>1</sup> See Rymer, *Fœdera*, vol. viii. p. 14.

<sup>2</sup> Froissart, par Buchon, vol. ix. p. 162.

bility of reconciling two systems of military operations so perfectly distinct as those of the Scots and the French, and of supporting, for any length of time, in so poor a country as Scotland, such a force as was able to offer battle to the English with any fair prospect of success. One good effect resulted from the experience gained in this campaign. It convinced the Scots of the superior excellence of their own tactics, which consisted in employing their light cavalry solely in plunder, or in attacks upon the archers when they were forced to fight, and in opposing to the heavy-armed cavalry of the English their infantry alone, with their firm squares and long spears. It also taught them, that any foreign auxiliary force of the heavy-armed cavalry of the continent was of infinitely greater encumbrance than assistance in their wars with England, as they must either be too small to produce any effect against the overwhelming armies of that country, or too numerous to be supported, without occasioning severe distress.

Upon the departure of the French, the war continued with great spirit; and from the imbecility of the government of Richard the Second, a feeble opposition was made against the successes of the Scots. The systematic manner in which their invasions were conducted, is apparent from the plan and details of that which immediately succeeded the expedition of Vienne. It was remembered by the Scottish leaders, that in the general devastation which had been lately inflicted upon the English border counties, that portion of Cumberland, including the rich and fertile district of Cockermouth and the adjacent country, had not been visited since the days of Robert Bruce; and it was judged proper to put an end to this exemption. Robert earl of Fife, the king's second son, James earl

of Douglas, and Sir Archibald Douglas lord of Galloway, at the head of thirty thousand light troops, passed the Solway, and for three days<sup>1</sup> plundered and laid waste the whole of this beautiful district; so that, to use the expression of Fordun, the feeblest in the Scottish host had his hands full: nor do they appear to have met with the slightest opposition. A singular and characteristic anecdote of this expedition is preserved by this historian. Amid the plunder, an ancient Saxon charter of King Athelstane, with a waxen seal appended to it, was picked up by some of the soldiers, and carried to the Earl of Fife, afterwards the celebrated Regent Albany. Its lucid brevity astonished the feudal baron: "I, King Adelstane, giffys here to Paulan, Oddam and Roddam, als gude and als fair, as ever thai myn war; and thairto witnes Mald my wyf." Often, says the historian, after the earl became Duke of Albany and Governor of Scotland, when the tedious and wordy charters of our modern days were recited in the causes which came before him, he would recall to memory this little letter of King Athelstane, and declare there was more truth and good faith in those old times than now, when the new race of lawyers had brought in such frivolous exceptions and studied prolixity of forms.<sup>2</sup> It is singular to meet with a protestation against the unnecessary multiplication of words and clauses in legal deeds at so remote a period.

At the time of this invasion, another enterprise took place, which nearly proved fatal to its authors: a descent upon Ireland by Sir William Douglas, the

<sup>1</sup> Fordun a Goodal, vol. ii. p. 403. "Exercitum caute et quasi imperceptibiliter ducebat usque ad Cokirmouth, \* \* per terram a diebus Domin Roberti de Bruce regis a Scotis non invasam."

<sup>2</sup> Fordun a Goodal, vol. ii. p. 403.

natural son of Sir Archibald of Galloway, commonly called the Black Douglas. This young knight appears to have been the Scottish Paladin of those days of chivalry. His form and strength were almost gigantic; and what gave a peculiar charm to his warlike prowess, was the extreme gentleness of his manners: sweet, brave, and generous, he was as faithful to his friends as he was terrible to his enemies. These qualities had gained him the hand of the king's daughter Egidia, a lady of such beauty, that the King of France is said to have fallen in love with her from the description of some of his courtiers, and to have privately despatched a painter into Scotland to bring him her picture; when he found, to his disappointment, that the princess had disposed of her heart in her own country.<sup>1</sup>

At this time the piracies of the Irish on the coast of Galloway provoked the resentment of Douglas, who, at the head of five hundred lances, made a descent upon the Irish coast at Carlingford, and immediately assaulted the town with only a part of his force, finding it difficult to procure small boats to land the whole. Before, however, he had made himself master of the outworks, the citizens, by the promise of a large sum of money, procured an armistice; after which, under cover of night, they despatched a messenger to Dundalk for assistance, who represented the small number of the Scots, and the facility of overpowering them. Douglas, in the meantime, of an honest and unsuspecting temper, had retired to the shore, and was busied in superintending the lading of his vessels, when he discerned the approach of the English, and had scarce time to form his little phalanx, before he was attacked not only by them but by a sally from the town. Yet

<sup>1</sup> Fordun a Goodal, vol. ii. p. 403.

this treacherous conduct was entirely unsuccessful : although greatly outnumbered, such was the superior discipline and skill of the Scots, that every effort failed to pierce their columns, and they at length succeeded in totally dispersing the enemy ; after which the town was burnt to the ground, the castle and its works demolished, and fifteen merchant ships, which lay at anchor laden with goods, seized by the victors.<sup>1</sup> They then set sail for Scotland, ravaged the Isle of Man as they returned, and landed safely at Lochryan in Galloway ; from which Douglas took horse and joined his father, who, with the Earl of Fife, had broken across the border, and was then engaged in an expedition against the western districts of England.

The origin of this invasion requires particular notice, as it led to important results, and terminated in the celebrated battle of Otterburn. The Scots had not forgotten the miserable havock which was inflicted upon the country by the late expedition of the King of England ; and as this country was now torn by disputes between the weak monarch and his nobility, it was deemed a proper juncture to retaliate. To decide upon this a council was held at Edinburgh. The king was now infirm from age, and wisely anxious for peace ; but his wishes were overruled, and the management of the campaign intrusted by the nobles to his second son, the Earl of Fife, upon whom the hopes of the warlike part of the nation chiefly rested ; his elder brother, the Earl of Carrick, who was next heir to the crown, being of a feeble constitution, and little able to endure the fatigues of the field. It was resolved that there should be a general muster of the whole military force of the kingdom at Jedburgh, preparatory

<sup>1</sup> Fordun a Hearne, pp. 1073, 1074. Winton, vol. ii. pp. 335, 336.

to an invasion, upon a scale likely to ensure an ample retribution for their losses.<sup>1</sup>

The rumour of this great summons of the vassals of the crown soon reached England; and the barons, to whom the care of the borders was committed, began to muster their feudal services, and to prepare for resistance. On the day appointed, the Scots assembled at Yetholm, a small town about twelve miles from Jedburgh, and situated at the foot of the Cheviot hills. A more powerful army had not been seen for a long period. There were twelve hundred men-at-arms and forty thousand infantry, including a small body of archers, a species of military force in which the Scots were still little skilled, when compared with the formidable power of the English bowmen. It was now necessary to determine in what manner the war should begin, and upon what part of the country its fury should first be let loose; and, when the leaders were deliberating upon this, a prisoner was taken and carried to head-quarters, who proved to be an English gentleman, despatched by the border lords for the purpose of collecting information. From him they understood that the wardens of the marches did not deem themselves strong enough at that time to offer battle, but that, having collected their power, they had determined to remain quiet, till it was seen in what direction the Scottish invasion was to take place, and then to make a counter expedition into Scotland; thus avoiding all chance of being attacked, and retaliating upon the Scots by a system of simultaneous havock and plunder.

Upon receiving this information, which proved to be correct, the Earl of Fife determined to separate his

<sup>1</sup> Froissart, par Buchon, vol. xi. p. 363.



force into two divisions, and, for the purpose of frustrating the designs of the English, to invade the country both by the western and eastern marches. He himself, accordingly, with Archibald lord of Galloway, and the Earls of Sutherland, Menteith, Mar, and Strathern, at the head of a large force, being nearly two-thirds of the whole army, began their march through Liddesdale, and passing the borders of Galloway, advanced towards Carlisle. The second division was chiefly intended to divert the attention of the English from opposing the main body of the Scots: it consisted of three hundred knights and men-at-arms, and two thousand foot, besides some light-armed prickers and camp-followers;<sup>1</sup> and was placed under the command of the Earl of Douglas, a young soldier, who, from his boyhood, had been trained to war by his father, and who possessed the hereditary valour and military talent of the family. Along with him went the Earls of March and Moray; Sir James Lindsay, Sir Alexander Ramsay, and Sir John Sinclair, three soldiers of great experience; Sir Patrick Hepburn with his two sons, Sir John Haliburton, Sir John Maxwell, Sir Alexander Fraser, Sir Adam Glendinning, Sir David Fleming, Sir Thomas Erskine, and many other knights and squires.

With this small army the Earl of Douglas pushed rapidly on through Northumberland, having given strict orders that not a house should be burnt or plundered till they reached the bishoprick of Durham. Such was the silence and celerity of the march, that he crossed the Tyne near Branspeth, and was not discovered by the English garrisons to be in the heart of

Winton, vol. ii. p. 337, gives a much higher number; but we may here trust rather to Froissart, who affirms that he had no more than "three hundred men-at-arms, and two thousand infantry."

this rich and populous district, until the smoke of the flaming villages, and the terror of the people, carried the first news of his arrival to the city of Durham. Nor did the English dare at present to oppose him, imagining his force to be the advanced guard of the main army of the Scots: a natural supposition; for the capture of their spy had left them in ignorance of the real designs of the enemy. Douglas, therefore, plundered without meeting an enemy; whilst Sir Henry Percy, better known by his name of Hotspur, and his brother Ralph, the two sons of the Earl of Northumberland, along with the seneschal of York, the Captain of Berwick, Sir Mathew Redman, Sir Ralph Mowbray, Sir John Felton, Sir Thomas Grey, and numerous other border barons, kept themselves, with their whole power, within the barriers of Newcastle,<sup>1</sup> and the Earl of Northumberland collected his strength at Alnwick.

Meanwhile, having wasted the country as far as the gates of Durham, the Scottish leaders returned to Newcastle with a rapidity equal to their advance, and, in the spirit of the times, determined to tarry there two days, and try the courage of the English knights. The names of Percy and of Douglas were at this time famous: Hotspur having the reputation of one of the bravest soldiers in England, and the Earl of Douglas, although his younger in years, being little inferior in the estimation in which his military prowess was held amongst his countrymen. In the skirmishes which took place at the barriers of the town, it happened that these celebrated soldiers came to be personally opposed to each other; and after an obstinate contest, Douglas won the pennon of the English leader, and boasted

<sup>1</sup> Winton, vol. ii. p. 338. Froissart, par Buchon, vol. xi. p. 377.

aloud before the knights who were present, that he would carry it to Scotland, and plant it, as a proof of his prowess, on his castle of Dalkeith. "That, so help me God!" cried Hotspur, "no Douglas shall ever do; and ere you leave Northumberland you shall have small cause to boast."—"Well, Henry," answered Douglas, "your pennon shall this night be placed before my tent; come and win it if you can!"<sup>1</sup>

Such was the nature of this defiance; and Douglas knew enough of Percy to be assured that, if possible, he would keep his word. He commanded, therefore, a strict watch to be maintained; struck the pennon into the ground in front of his tent, and awaited the assault of the English. There were occasions, however, in which the bravadoes of chivalry gave way to the stricter rules of war; and as the English leaders still entertained the idea that Douglas only led the van of the main army, and that his object was to draw them from their intrenchments, they insisted that Percy should not hazard an attack which might bring them into jeopardy. The Scots, accordingly, after in vain expecting an attack, left their encampment, and proceeded on their way. Passing by the tower of Ponteland, they carried it by storm, razed it to the ground, and, still continuing their retreat, came, on the second day, to the village and castle of Otterburn, situated in Redesdale,<sup>2</sup> and about twenty-eight miles from Newcastle. This castle was strongly fortified, and the first day resisted every attack; upon which most of their leaders, anxious not to lose time, but to carry their booty across the borders, proposed to proceed into Scotland.

Douglas alone opposed this, and entreated them to

<sup>1</sup> Froissart, par Buchon, vol. xi. p. 377.

<sup>2</sup> Winton, vol. ii. pp. 339, 340.

remain a few days and make themselves masters of the castle, so that in the interval they might give Henry Percy full time, if he thought fit, to reach their encampment, and fulfil his promise. This they at length agreed to ; and having skilfully chosen their encampment, they fortified it in such a way as should give them great advantage in the event of an attack. In its front, and extending also a little to one side, was a marshy level, at the narrow entrance of which were placed their carriages and wagons laden with plunder, and behind them the horses, sheep, and cattle which they had driven away with them. These were committed to the charge of the sutlers and camp-followers, who, although poorly armed, were able to make some resistance with their staves and knives. Behind these, on firm ground, which was on one side defended by the marsh, and on the other flanked by a small wooded hill, were placed the tents and temporary huts of the leaders and the men-at-arms ; and having thus taken every precaution against a surprise, they occupied themselves during the day in assaulting the castle, and at night retired within their encampment.<sup>1</sup> But this did not long continue. By this time it became generally known that Douglas and his little army were wholly unsupported ; and the moment that Percy ascertained the fact, and discovered that the Scottish earl lay encamped at Otterburn, he put himself at the head of six hundred lances, and eight thousand foot, and, without waiting for the Bishop of Durham, who was advancing with his power to Newcastle, marched straight to Otterburn, at as rapid a rate as his infantry could bear.<sup>2</sup>

Hotspur had left Newcastle after dinner, and the

<sup>1</sup> Froissart, par Buchon, vol. xi. p. 385.

<sup>2</sup> Ibid. p. 384.

sun was set before he came in sight of the Scots' encampment. It was a placid evening in the month of August, which had succeeded to a day of extreme heat, and the greater part of the Scots, worn out with an unsuccessful attack upon the castle, had taken their supper and fallen asleep. In a moment they were awakened by a cry of "Percy, Percy!" and the English, trusting that they could soon carry the encampment from the superiority of their numbers, attacked it with the greatest fury. They were checked, however, by the barrier of wagons, and the brave defence made by the servants and camp-followers, which gave the knights time to arm, and enabled Douglas and the leaders to form the men-at-arms before Hotspur could reach their tents. The excellence of the position chosen by the Scottish earl was now apparent; for, taking advantage of the ground, he silently and rapidly defiled round the wooded eminence already mentioned, which completely concealed his march, and when the greater part of the English were engaged in the marsh, suddenly raised his banner, and set upon them in flank. It was now night; but the moon shone brightly, and the air was so clear and calm that the light was almost equal to the day. Her quiet rays, however, fell on a dreadful scene; for Percy became soon convinced that he had mistaken the lodgings of the servants for those of their masters, and, chafed at the disappointment, drew back his men on firm ground, and encountered the Scots with the utmost spirit. He was not, indeed, so well supported as he might have been, as a large division of the English under Sir Mathew Redman and Sir Robert Ogle,<sup>1</sup> having made themselves masters of the encampment, had begun to plunder, and his

<sup>1</sup> Winton, vol. ii. p. 340.

own men were fatigued with their march ; whilst the Scots, under Douglas, Moray, and March, were fresh and well-breathed. Yet, with all these disadvantages, the English greatly outnumbered the enemy, and, in the temper of their armour and their weapons, were far their superior.<sup>1</sup>

For many hours the battle raged with undiminished fury ; banners rose and fell ; the voices of the knights shouting their war-cries, were mingled with the shrieks and groans of the dying ; whilst the ground, covered with dead bodies and shreds of armour, and slippery with blood, scarce afforded room for the combatants, so closely were they engaged, and so obstinately was every foot of earth contested. It was at this time that Douglas, wielding a battle-axe in both hands, and followed only by a few of his household, cut his way into the press of English knights, and throwing himself too rashly upon the spears, was borne to the earth, and soon mortally wounded in the head and neck. Yet at this time none knew who had fallen, for the English pressed on ; and a considerable interval elapsed before the Earls of March and Moray again forced them to give back, and cleared the spot where Douglas lay bleeding. Sir James Lindsay was the first to discover his kinsman ; and, running up hastily, eagerly inquired how it fared with him. " But poorly," said Douglas. " I am dying in my armour, as my fathers have done, thanks be to God, and not in my bed ; but if you love me, raise my banner and press forward, for he who should bear it lies slain beside me." Lindsay instantly obeyed ; and the banner of the crowned heart again rose amid the cries of " Douglas !" so that the Scots believed their leader was still in the field, and

<sup>1</sup> Froissart, par Buchon, vol. xi. p. 389.

pressed on the English ranks with a courage which at last compelled them to give way.<sup>1</sup> Hotspur, and his brother Sir Ralph Percy, surrendered after a stout resistance; and along with them nearly the whole chivalry of Northumberland and Durham were either slain or taken. Amongst the prisoners were the senechal of York, the captain of Berwick, Sir Mathew Redman, Sir Ralph Langley, Sir Robert Ogle, Sir John Lilburn, Sir Thomas Walsingham, Sir John Felton, Sir John Copland, Sir Thomas Abingdon, and many other knights and gentlemen,<sup>2</sup> whose ransom was a source of great and immediate wealth to the Scots. There were slain on the English side about eighteen hundred and sixty men-at-arms, and a thousand were grievously wounded.<sup>3</sup> We are informed by Froissart, that he received his account of this expedition from English and Scottish knights who were engaged in it; and "of all the battles," says he, "which I have made mention of heretofore in this history, this of Otterburn was the bravest and the best contested; for there was neither knight nor squire but acquitted himself nobly, doing well his duty, and fighting hand to hand, without either stay or faintheartedness." And as the English greatly outnumbered the Scots, so signal a victory was much talked of, not only in both countries, but on the continent.<sup>4</sup>

The joy which was naturally felt upon such an occasion, was greatly overclouded by the death of Douglas. His conduct became the theme of universal praise; and his loss was the more lamented, as he had fallen in this heroic manner in the prime of manhood. All

<sup>1</sup> Froissart, par Buchon, vol. xi. pp. 393, 394, 395. Winton, vol. ii. pp. 340, 341, 342.

<sup>2</sup> Froissart, par Buchon, vol. xi. p. 398.

<sup>3</sup> Ibid. vol. xi. p. 420.

<sup>4</sup> Ibid. vol. xi. p. 401.

the soldiers mourned for him as their dearest friend ; and the march to Scotland resembled more a funeral procession than a triumphant progress, for in the midst of it moved the car in which was placed the body of this brave man. In this manner was it conveyed by the army to the abbey of Melrose, where they buried him in the sepulchre of his fathers, and hung his banner, torn and soiled with blood, over his grave.<sup>1</sup>

The causes of this defeat of Hotspur, by a force greatly his inferior, are not difficult to be discovered. They are to be found in the excellent natural position chosen by Douglas for his encampment ; in the judicious manner in which it had been fortified ; and in the circumstance of Percy attempting to carry it at first by a coup-de-main ; thus rendering his archers, that portion of the English force which had ever been most decisive and destructive in its effects, totally useless.<sup>2</sup> The difficulties thrown in the way of the English by the intrenchment of wagons, and the defence of the camp followers, were of the utmost consequence in gaining time ; and the subsequent victory forms a striking contrast to the dreadful defeat sustained by the Scots at Dupplin, in consequence of the want of any such precaution.<sup>3</sup> Even at Otterburn, the leaders, who were sitting in their gowns and doublets at supper when the first alarm reached them, had to arm in extreme haste ; so that Douglas's harness was in many places unclasped, and the Earl of Moray fought all night without his helmet ;<sup>4</sup> but minutes, in such circumstances, were infinitely valuable, and these were gained by the strength of the camp. One circumstance con-

<sup>1</sup> Froissart, par Buchon, vol. xi. p. 422.

<sup>2</sup> Ibid. vol. xi. p. 389. "Et estoient si joints l'un à l'autre et si attachés, que trait d'archers de nul côté n'y avoit point de lieu."

<sup>3</sup> *Supra*, vol. i. p. 389.

<sup>4</sup> Winton, vol. ii. p. 339.



nected with the death of Douglas is too characteristic of the times to be omitted. His chaplain, a priest of the name of Lundie, had followed him to the war, and fought during the whole battle at his side. When his body was discovered, this warrior clerk was found bestriding his dying master, wielding his battle-axe, and defending him from injury. He became afterwards archdeacon of North Berwick.<sup>1</sup>

On hearing of the defeat at Otterburn, the Bishop of Durham, who, soon after Percy's departure, had entered Newcastle with ten thousand men, attempted, at the head of this force, to cut off the retreat of the Scots; but, on coming up with their little army, he found they had again intrenched themselves in the same strong position, in which they could not be attacked without manifest risk, and he judged it prudent to retreat;<sup>2</sup> so that they reached their own country without farther molestation. So many noble prisoners had not been carried into Scotland since the days of Bruce;<sup>3</sup> for although Hotspur's force did not amount to nine thousand men, it included the flower of the English border baronage. The remaining division of the Scots, under the Earl of Fife, amounting, as we have seen, to more than a third part of the whole army, broke into England by the west marches, according to the plan already agreed on, and, after an inroad, attended by the usual circumstances of devastation and plunder, being informed of the successful conclusion of the operations on the eastern border, returned without a check to Scotland.

It is impossible not to agree with Froissart, that there never was a more chivalrous battle than this of Otterburn: the singular circumstances under which it

<sup>1</sup> Froissart, par Buchon, vol. xi. p. 393.

<sup>2</sup> Ibid. vol. xi. p. 419.

<sup>3</sup> Winton, vol. ii. p. 343.

was fought, in a sweet moonlight night;<sup>1</sup> the heroic death of Douglas; the very name of Hotspur; all contribute to invest it with that character of romance, so seldom coincident with the cold realities of history; and we experience, in its recital, something of the sentiment of Sir Philip Sidney, "who never could hear the song of the Douglas and Percy without having his heart stirred as with the sound of a trumpet." But it ought not to be forgotten, that it was solely a chivalrous battle: it had nothing great in its motive, and nothing great in its results. It differs as widely, in this respect, from the battles of Stirling and Bannockburn, and from the many contests which distinguish the war of liberty, as the holy spirit of freedom from the petty ebullitions of national rivalry, or the desire of plunder and revenge. It was fought at a time when England had abandoned all serious designs against the independence of the neighbouring country; when the king, and the great body of the Scottish people, earnestly desired peace; and when the accomplishment of this desire would have been a real blessing to the nation: but this blessing the Scottish nobles, who, like their feudal brethren of England and France, could not exist without public or private war, did not appreciate, and had no ambition to see realized. The war originated in the character of this class, and the principles which they adopted; and the power of the crown, and the influence of the commons, were yet infinitely too feeble to check their authority; on the contrary, this domineering power of the great feudal families was evidently on the increase in Scotland, and led, as we shall see in the sequel, to dreadful results.

But to return from this digression. The age and

<sup>1</sup> It was fought on Wednesday, 5th August. Macpherson's Notes on Winton, vol. ii. p. 516.

indolence of the king, and his aversion to business, appear to have now increased to a height which rendered it necessary for the parliament to interfere; and the bodily weakness of the Earl of Carrick, the heir-apparent, who had been injured by the kick of a horse, made it impossible that much active management should be intrusted to him. From necessity, more than choice or affection, the nation next looked to Robert's second son, the Earl of Fife; and in a meeting of the three estates, held at Edinburgh in 1389, the king willingly retired from all interference with public affairs, and committed the office of governor of the kingdom to this ambitious and intriguing man, who, at the mature age of fifty, succeeded to the complete management of the kingdom.<sup>1</sup> A deep selfishness, which, if it secured its own aggrandizement, little regarded the means employed, was the prominent feature in the character of the new regent. His faults, too, were redeemed by few great qualities, for he possessed little military talent; and although his genius for civil government has been extolled by our ancient historians, his first public act was one of great weakness.

Since the defeat at Otterburn, and the capture of Hotspur, the earl marshal, to whom the English king had committed the custody of the marches, had been accustomed to taunt and provoke the Scottish borderers to renew the quarrel, and had boasted, that he would be ready to give them battle, if they would meet him in a fair field, though their numbers should double his. These were the natural and foolish ebullitions that will ever accompany any great defeat, and ought to have been overlooked by the governor; but, instead of this, he affected to consider his knightly character

<sup>1</sup> Fordun a Goodal, vol. ii. p. 414. He died in 1419, aged eighty.

involved ; and prepared to sacrifice the true interests of the country, which loudly called for peace, to his own notions of honour. An army was assembled, which Fife conducted in person, having along with him Archibald Douglas, and the rest of the Scottish nobles. With this force they passed the marches, and sent word to the earl marshal, that they had accepted his challenge, and would expect his arrival ; but, with superior wisdom, he declined the defiance ; and, having intrenched himself in a strong position, refused to abandon his advantage, and proposed to wait their attack. This, however, formed no part of the project of the Scots, and they returned into their own country.<sup>1</sup> In such absurd bravadoes, resembling more the quarrels of children than any grave or serious contest, did two great nations employ themselves, misled by those ridiculous ideas which had arisen out of the system of chivalry, whose influence was now paramount throughout Europe.

Not long after this, a three years' truce having been concluded at Boulogne between England and France, a mutual embassy of French and English knights arrived in Scotland, and, having repaired to the court, which was then held at Dunfermline, prevailed upon the Scots to become parties to this cessation of hostilities ; so that the king, who, since his accession to the throne, had not ceased to desire peace, enjoyed the comfort of at last seeing it, if not permanently settled, at least in the course of being established.<sup>2</sup> He retired soon after to one of his northern castles, at Dundonald, in Ayrshire, where, on the 13th May, 1390, he died at the age of seventy-four, in the twen-

<sup>1</sup> Fordun & Goodal, vol. ii. p. 414. Winton, vol. i. p. 346.

<sup>2</sup> Rotuli Scotiæ, vol. ii. pp. 89, 99.

tieth year of his reign.<sup>1</sup> The most prominent features in the character of this monarch have been already described. That he was indolent, and fond of enjoying himself in the seclusion of his northern manors, whilst he injudiciously conferred too independent a power upon his turbulent and ambitious sons, cannot be denied; but it ought not to be forgotten, that, at a time when the liberties of the country were threatened with a total overthrow, the Steward stood forward in their defence, with a zeal and energy which were eminently successful, and that he was the main instrument in defeating the designs of David the Second and Edward the Third, when an English prince was attempted to be imposed upon the nation. The policy he pursued after his accession, so far as the character of the king was then allowed to influence the government, was essentially pacific; but the circumstances in which the nation was placed were totally changed; and to maintain peace between the two countries became then as much the object of a wise governor, as it formerly had been his duty to continue the war. Unfortunately, the judgment of the king was not permitted to have that influence to which it was entitled; and many years were yet to run before the two nations had their eyes opened, to discern the principles best calculated to promote their mutual prosperity.

During the whole course of this reign, the agriculture of Scotland appears to have been in a lamentable condition; a circumstance to be traced, no doubt, to the constant interruption of the regular seasons of rural labour; the ravages committed by foreign invasion, and the havoc which necessarily attended the passage even of a Scottish army from one part of the

<sup>1</sup> Winton, vol. ii. pp. 350, 351. Some fine remains of this ancient castle still exist. Stat. Account, vol. vii. p. 619.

country to another. The proof of this is to be found in the frequent licenses which were granted by the English king, allowing the nobles and the merchants of Scotland to import grain into that country, and in the fact that the grain for the victualling of the Scottish castles, then in the hands of the English, was not unfrequently brought from Ireland.<sup>1</sup> But the commercial spirit of the country during this reign was undoubtedly on the increase; and the trade which it carried on with Flanders appears to have been conducted with much enterprise and activity. Mercer, a Scottish merchant, during his residence in France, was, from his great wealth, admitted to the favour and confidence of Charles the Sixth; and, on one occasion, the cargo of a Scottish merchantman, which had been captured by the English, was valued as high as seven thousand marks, an immense sum for those remote times.<sup>2</sup> The staple source of export wealth continued to consist in wool, hides, skins, and wool-fels. We have the evidence of Froissart, who had himself travelled in the country, that its home manufactures were in a very low condition.

<sup>1</sup> *Rotuli Scotiæ*, vol. i. pp. 963, 965, 966, 968, 975.

<sup>2</sup> *Walsingham*, p. 239.

## CHAP. IV.

## ROBERT THE THIRD.

1390—1424.

## CONTEMPORARY PRINCES.

<i>Kings of England.</i>	<i>Kings of France.</i>	<i>Rome.</i>	<i>(Popes.)</i>	<i>Avignon.</i>
Richard II. Henry IV. Henry V.	Charles VI. Charles VII.	Boniface IX. Innocent VII. Gregory XII. Alexander V. John XXIII. Martin V.		Clement VII. Benedict XIII.

THE remains of Robert the Second were committed to the sepulchre in the abbey of Scone; and on the 14th August, 1390, being the morning succeeding the funeral, the coronation of his successor, John earl of Carrick, took place, with circumstances of great pomp and solemnity.<sup>1</sup> Next day, which was the Assumption of the Virgin, his wife, Annabella Drummond countess of Carrick, a daughter of the noble house of Drummond, was crowned queen; and on the following morning, the assembled prelates and nobles, amidst a great concourse of the people, took their oaths of allegiance, when it was agreed that the king should change his name to that of Robert the Third; the appellative John, from its associations with Baliol, being considered ominous and unpopular.

<sup>1</sup> Winton, vol. ii. pp. 361, 362. Fordun a Goodal, vol. ii. p. 418. Chamberlain Accounts, vol. ii. p. 196. The funeral expenses amounted to £253, 19s. 9d.

The character of the monarch was not essentially different from that of his predecessor. It was amiable, and far from wanting in sound sense and discretion; but the accident which had occasioned his lameness unfitted him for excelling in those martial exercises which were then necessary to secure the respect of his nobility, and compelled him to seek his happiness in pacific pursuits and domestic endearments, more likely to draw upon him the contempt of his nobles, than any more kindly feelings. The name of king, too, did not bring with it, in this instance, that high hereditary honour which, had Robert been the representative of a long line of princes, must necessarily have attached to it. He was only the second king of a new race; the proud barons who surrounded his throne had but lately seen his father and himself in their own rank; had associated with them as their equals; and were little prepared to surrender, to a dignity of such recent creation, the homage or the awe which the person on whom it had fallen did not command by his own virtues. Yet the king appears to have been distinguished by many admirable qualities. He possessed an inflexible love of justice, and an affection for his people, which were evinced by every measure where he was suffered to follow the dictates of his own heart; he was aware of the miseries which the country had suffered by the long continuance of war, and he saw clearly that peace was the first and best blessing which his government could bestow, and for the establishment and continuance of which almost every sacrifice should be made. The soundness of these views could not be doubted. They were the dictates of a clear and correct thinking mind, which, confined by circumstances to thoughtfulness and retirement, had discovered the most judicious line of policy, when all around it was



turbulence and error, and a few centuries later they would have been hailed as the highest virtues in a sovereign.

But Robert was wanting in that combination of qualities which could alone have enabled him to bring these higher principles into action; and this is explained in a single word, when it has been said he was unwarlike. The sceptre required to be held in a firm hand; and to restrain the outrages of a set of nobles so haughty as those who then domineered over Scotland, it was absolutely necessary that the king should possess somewhat of that fierce energy which distinguished themselves. Irresolution, timidity, and an anxious desire to conciliate the affection of all parties, induced him to abandon the most useful designs, because they opposed the selfishness, or threatened to abridge the power of his barons; and this weakness of character was ultimately productive of fatal effects in his own family, and throughout the kingdom. It happened also, unfortunately for the peace of the community, that his father had delegated the chief power of the state to his brothers, the Earls of Fife and of Buchan, committing the general management of all public affairs, with the title of governor, to the first;<sup>1</sup> and permitting the Earl of Buchan to rule over the northern parts of the kingdom, with an authority little less than regal. The first of these princes had long evinced a restless ambition, which had been increased by the early possession of power; but his character began now to discover those darker shades of crime, which grew deeper as he advanced in years. The Earl of Buchan, on the other hand, was little less than a cruel and ferocious savage, a species of Celtic Attila, whose common

<sup>1</sup> Chamberlain Accounts, vol. ii. pp. 165, 192.

appellation of the "Wolf of Badenoch," is sufficiently characteristic of the dreadful attributes which composed his character, and who issued from his lair in the north, like the devoted instrument of the divine wrath, to scourge and afflict the nation.

On the morning after the coronation, a little incident occurred, which is indicative of the gentle character of the king, and illustrates the simple manners of the times. The fields and enclosures round the monastery had been destroyed by the nobles and their retinue; and as it happened during the harvest, when the crops were ripe, the mischief fell heavily on the monks. A canon of the order, who filled the office of storekeeper, demanded an audience of the king, for the purpose of claiming some compensation; but on announcing his errand, the chamberlain dismissed him with scorn. The mode in which he revenged himself was whimsical and extraordinary. Early on the morning after the coronation, before the king had awoke, the priest assembled a motley multitude of the farm-servants and villagers belonging to the monastery, who, bearing before them an image stuffed with straw, and armed with the drums, horns, and rattles which they used in their rustic festivals, took their station under the windows of the royal bedchamber, and at once struck up such a peal of yells, horns, rattles, and dissonant music, that the court awoke in terror and dismay. The priest who led the rout was instantly dragged before the king, and asked what he meant. "Please your majesty," said he, "what you have just heard are our rural carols, in which we indulge when our crops are brought in; and as you and your nobles have spared us the trouble and expense of cutting them down this season, we thought it grateful to give you a specimen of our harvest jubilee." The freedom and sarcasm of the

answer would have been instantly punished by the nobles; but the king understood and pardoned the reproof, ordered an immediate inquiry into the damage done to the monastery, and not only paid the full amount, but applauded the humour and courage of the ecclesiastic.<sup>1</sup>

It was a melancholy proof of the gentle and indolent character of this monarch, that, after his accession to the throne, the general management of affairs, and even the name of governor,<sup>2</sup> were still intrusted to the Earl of Fife, who for a while continued to pursue such measures as seemed best calculated for the preservation of the public prosperity. The truce of Leilinghen, which had been entered into between France and England, in 1389, and to which Scotland had become a party, was again renewed,<sup>3</sup> and at the same time it was thought expedient that the league with France, concluded between Charles the Sixth and Robert the Second in 1371, should be prolonged and ratified by the oath of the king,<sup>4</sup> so that the three countries appeared to be mutually desirous of peace. Upon the part of England, every precaution seems to have been taken to prevent any infractions of the truce. The Scottish commerce was protected; all injuries committed upon the borders were directed to be investigated and redressed by the lords wardens; safe-conducts to the nobles, the merchants, and the students of Scotland, who were desirous of residing in or travelling through England, were readily granted; and

<sup>1</sup> Fordun a Hearne, vol. iv. pp. 1111, 1112.

<sup>2</sup> Chamberlain Accounts, vol. ii. p. 165. "Et Comiti de Fyf: Custodi regni pro officio Custodis percipient: mille marcas per annum." Ibid. pp. 261, 267.

<sup>3</sup> Rymer, *Fœdera*, vol. vii. p. 662. *Rotuli Scotiæ*, vol. ii. pp. 103, 105.

<sup>4</sup> Records of the Parliament of Scotland, sub anno 1390, p. 136. *Rotuli Scotiæ*, vol. ii. p. 98.

every inclination was shown to pave the way for the settlement of a lasting peace.<sup>1</sup> Upon the part of Scotland, these wise measures were met by a spirit equally conciliatory; and for eight years, the period for which the truce was prolonged, no important warlike operations took place: a blessed and unusual cessation, in which the country began to breathe anew, and to devote itself to the pursuits of peace.

So happy a state of things was first interrupted by the ferocity of the "Wolf of Badenoch," and the disorders of the northern parts of the kingdom. On some provocation given to Buchan by the Bishop of Moray, this chief descended from his mountains, and, after laying waste the country, with a sacrilege which excited unwonted horror, sacked and plundered the cathedral of Elgin, carrying off its chalices and vestments, polluting its shrines with blood, and finally setting fire to the noble pile, which, with the adjoining houses of the canons, and the neighbouring town, were burnt to the ground.<sup>2</sup> This exploit of the father, was only a signal for a more serious incursion, conducted by his natural son, Duncan Stewart, whose manners were worthy of his descent, and who, at the head of a wild assemblage of ketherans, armed only with the sword and target, broke across the range of hills called the *braes* of Angus, which divide the counties of Aberdeen and Forfar, and began to destroy the country and murder the inhabitants with reckless and indiscriminate cruelty. Sir Walter Ogilvy, then Sheriff of Angus, along with Sir Patrick Gray, and Sir David Lindsay of Glenesk, instantly collected their power, and, although far inferior in numbers, trusting to the

<sup>1</sup> Rotuli Scotiæ, vol. ii. pp. 99, 100, 101, 103, 105.

<sup>2</sup> Winton, vol. ii. p. 363. Keith's Catalogue, p. 83. See Chamberlain Accounts, vol. ii. p. 355.

temper of their armour, attacked the mountaineers at Gasklune, near the Ericht, which falls into the water of Ila.<sup>1</sup> But they were almost instantly overwhelmed, the Highlanders fighting with a ferocity and a contempt of life which seem to have struck a panic into their steel-clad assailants. Ogilvy, with his brother, Wat of Lich-toune, Young of Ouchterlony, the Lairds of Cairncross, Forfar, and Guthry, were slain, and sixty men-at-arms along with them; whilst Sir Patrick Gray and Sir David Lindsay were grievously wounded, and with difficulty carried off the field. The indomitable fierceness of the mountaineers is strikingly shown by an anecdote preserved by Winton. Lindsay had pierced one of these, a brawny and powerful man, through the body with his spear, and thus apparently pinned him to the earth; but although mortally wounded, and in the agonies of death, he writhed himself up by main strength, and, with the weapon in his body, struck Lindsay a desperate blow with his sword, which cut him through the stirrup and steel-boot into the bone, after which his assailant instantly sunk down and expired.<sup>2</sup>

These dreadful excesses, committed by a brother and nephew of the king, called for immediate redress; and it is a striking evidence of the internal weakness of the government, that they passed unheeded, and were succeeded by private feuds amongst the nobility, with whom the most petty disputes became frequently the causes of cruel and deadly revenge. A quarrel of this kind had occurred between the Lady of Fivy, wife

<sup>1</sup> Winton, Chron. vol. ii. pp. 368, 369. Fordun a Goodal, vol. ii. p. 420. Glenbreret, where this writer affirms the battle to have been fought, is Glenbrierachan, about eleven miles north of Gasklune. Macpherson's Notes on Winton, p. 517.

<sup>2</sup> Winton, vol. ii. p. 369. Extracta ex Chronicis Scotiæ, MS. folio 240.

to Sir David Lindsay, and her nephew Robert Keith, a baron of great power. It arose from a trifling misunderstanding between some masons and the servants of Keith regarding a water-course; but it concluded in this fierce chief besieging his aunt in her castle; upon which Lindsay, who was then at court, flew to her rescue, and encountering Keith at Garvyach, compelled him to raise the siege, with the loss of sixty of his men, who were slain on the spot.<sup>1</sup>

Whilst the government was disgraced by the occurrence of such deliberate acts of private war in the low country, the Highlanders prepared to exhibit an extraordinary spectacle. Two numerous clans or septs, known by the names of the clan Kay, and the clan Quhete,<sup>2</sup> having long been at deadly feud, their mutual attacks were carried on with that ferocity, which at this period distinguished the Celtic race from the more southern inhabitants of Scotland. The ideas of chivalry, the factitious principles of that system of manners from which we derive our modern code of honour, had hitherto made little progress amongst them; but the more intimate intercourse between the northern and southern portions of the kingdom, and the residence of the lowland barons amongst them, appear to have introduced a change; and the notions of the Norman knights becoming more familiar to the mountaineers, they adopted the singular idea of deciding their quarrel by a combat of thirty against thirty. This project, instead of discouragement, met with the approval of the government, who were happy that a scheme should have suggested itself, by which there was some prospect of the leaders in those fierce and

<sup>1</sup> Winton, vol. ii. p. 372.

<sup>2</sup> Clan Quete or Clan Chattan. The clan Kay is thought to have been the clan Dhail—the Davidsons, a sept of the M'Phersons.

endless disputes being cut off. A day having been appointed for the combat, barriers were raised in the level ground of the North Inch of Perth, and in the presence of the king and a large concourse of the nobility, sixty tall athletic Highland soldiers, armed in the fashion of their country, with bows and arrows, sword and target, short knives and battle-axes, entered the lists, and advanced in mortal array against each other; but at this trying moment the courage of one of the clan Chattan faltered, and, as the lines were closing, he threw himself into the Tay, swam across the river, and fled to the woods. All was now at a stand; with the inequality of numbers, the contest could not proceed; and the benevolent monarch, who had suffered himself to be persuaded against his better feelings, was about to break up the assembly, when a stout burgher of Perth, an armourer by trade, sprung within the barriers, and declared, that for half a mark he would supply the place of the deserter. The offer was accepted, and a dreadful contest ensued. Undefended by armour, and confined within a narrow space, the Highlanders fought with a ferocity which nothing could surpass; whilst the gashes made by the daggers and battle-axes, and the savage yells of the combatants, composed a scene altogether new and appalling to many French and English knights, who were amongst the spectators, and to whom, it may be easily imagined, the contrast between this cruel butchery, and the more polished and less fatal battles of chivalry, was striking and revolting. At last a single combatant of the clan Kay alone remained, whilst eleven of their opponents, including the bold armourer, were still able to wield their weapons; upon which the king threw down his gage, and the victory was awarded to the clan Quhete. The leaders in this savage combat

are said to have been Shaw, the son of Farquhard, who headed the clan Kay, and Cristijohnson, who headed the victors;<sup>1</sup> but these names, which have been preserved by our contemporary chroniclers, are in all probability corrupted from the original Celtic. After this voluntary immolation of their bravest warriors, the Highlanders for a long time remained quiet within their mountains; and the Earl of Moray and Sir James Lindsay, by whom this expedient for allaying the feuds is said to have been encouraged, congratulated themselves on the success of their project. Soon after this, the management of the northern parts of the kingdom<sup>2</sup> was committed to the care of David earl of Carrick, the king's eldest son, who, although still a youth in his seventeenth year, and with the faults incident to a proud and impatient temper, evinced an early talent for government, which, under proper cultivation, might have proved a blessing to the country.

For some years after this, the current of events is of that quiet character which offers little prominent or interesting. The weakness of the government of Richard the Second, the frenzy of the French King, the pacific disposition of the Scottish monarch, and the character of the Earl of Fife, his chief minister, who, although ambitious and intriguing, was unwarlike, all contributed to secure to Scotland the blessing of peace. The truce with England was renewed from year to year, and the intercourse between the two countries warmly encouraged; the nobility, the merchants, the students of Scotland, received safe-conducts, and travelled into

<sup>1</sup> Winton, vol. ii. pp. 373, 374, and Notes, p. 518. Fordun a Goodal, vol. ii. p. 420.

<sup>2</sup> Chamberlain Accounts, vol. ii. p. 349. "Et Dno Comiti de Carrick de donacione regis pro expensis suis factis in partibus borealibus per tempus compoti: ut patet per literas regis concessas super has, testante clerico probacionis, 40 li."



England for the purposes of pleasure, business, or study, or to visit the shrines of the most popular saints; and the rivalry between the two nations was no longer called forth in mortal combats, but in those less fatal contests by which the restless spirits of those times, in the absence of real war, kept up their military experience by an imitation of it in tilts and tournaments. An enthusiastic passion for chivalry now reigned in both countries; and, unless we make allowance for the universal influence of this singular system, no just estimate can be formed of the manners of the times. Barons who were sage in council, and high in civil or military office, would leave the business of the state, and interrupt the greatest transactions, to set off upon a tour of adventures, having the king's royal letters, permitting them to "perform points of arms, and manifest their prowess to the world." Wortley, an English knight of great reputation, arrived in Scotland; and, after a courteous reception at court, published his cartel of defiance, which was taken up by Sir James Douglas of Strathbrock, and the trial of arms appointed to be held in presence of the king at Stirling; but, after the lists had been prepared, some unexpected occurrence appears to have prevented the duel from taking place.<sup>1</sup> Sir David Lindsay of Glenesk, who was then reputed one of the best soldiers in Scotland, soon after the accession of Robert the Third sent his cartel to the Lord Wells, an English knight of the court of Richard the Second, which having been accepted, the duel was appointed to take place in London in presence of the king. So important did Lindsay consider the

<sup>1</sup> Chamberlain Accounts, vol. ii. p. 366. Fordun a Goodal, vol. ii. p. 421.

affair, that he freighted a vessel belonging to Dundee<sup>1</sup> to bring him from London a new suit of armour; and, when the day arrived, at the head of a splendid retinue he entered the lists, which were crowded by the assembled nobles and beauties of the court. In the first course the English knight was borne out of his saddle; and Lindsay, although rudely struck, kept his seat so firmly, that a cry rose amongst the crowd, who insisted he was tied to his steed, upon which he vaulted to the ground, and, although encumbered by his armour, without touching the stirrup, again sprung into the saddle. Both the knights, after the first course, commenced a desperate foot combat with their daggers, which concluded in the total discomfiture of Lord Wells. Lindsay, who was a man of great personal strength, having struck his dagger firmly into one of the lower joints of his armour, lifted him into the air, and gave him so heavy a fall, that he lay at his mercy. He then, instead of putting him to death, a privilege which the savage laws of these combats at outrance conferred upon the victor, courteously raised him from the ground, and, leading him below the ladies' gallery, delivered him as her prisoner to the Queen of England.<sup>2</sup>

Upon another occasion, in one of those tournaments, an accomplished baron, named Piers Courtney, made his appearance, who bore upon his surcoat a falcon, with the distich,—“I bear a falcon fairest in flycht, whoso prikketh at her his death is dight, in graith.” To his surprise he found in the lists an exact imitation of himself in the shape of a Scottish knight, with the excep-

<sup>1</sup> *Rotuli Scotiæ*, vol. ii. p. 104.

<sup>2</sup> *Winton*, vol. ii. p. 355, 356, 357. *Fordun a Goodal*, vol. ii. p. 422. Lindsay, in gratitude for his victory, founded an altar in the parish church of Dundee. *Extracta ex Chronicis Scotiæ*, MS. fol. 243.

tion, that instead of a falcon, his surcoat bore a jay, with an inscription ludicrously rhyming to the defiance of Courtney,—“I bear a pyet peikand at ane pees,<sup>1</sup> quhasa pykkis at her I sall pyk at his nees,<sup>2</sup> in faith.” The challenge could not be mistaken; and the knights ran two courses against each other, in each of which the helmet of the Scot, from being loosely strapped, gave way, and foiled the attain of Courtney, who, having lost two of his teeth by his adversary’s spear, loudly complained of the occurrence, and insisted that the laws of arms made it imperative on both knights to be exactly on equal terms. “I am content,” said the Scot, “to run six courses more on such an agreement, and let him who breaks it forfeit two hundred pounds.” The challenge was accepted; upon which he took off his helmet, and, throwing back his thick hair, showed that he was blind of an eye, which he had lost by a wound in the battle of Otterburn. The agreement made it imperative on Courtney to pay the money, or to submit to lose an eye; and it may readily be imagined that Sir Piers, a handsome man, preferred the first to the last alternative.<sup>3</sup>

The title of Duke, a dignity originally Norman, had been brought from France into England; and we now find it for the first time introduced into Scotland in a parliament held by Robert the Third at Perth, on the 28th of April, 1398.<sup>4</sup> At this meeting of the estates, the king, with great pomp, created his eldest son, David earl of Carrick, Duke of Rothesay, and at the same time bestowed the dignity of Duke of Albany upon the Earl of Fife, to whom, since his accession, he had intrusted almost the whole management of public

<sup>1</sup> Pees—piece.

<sup>2</sup> Fordun a Goodal, vol. ii. p. 423.

<sup>3</sup> Nees—nose.

<sup>4</sup> Ibid. p. 422.

affairs.<sup>1</sup> The age of the heir-apparent rendered any further continuance of his delegated authority suspicious and unnecessary. Rothesay was now past his twentieth year; and his character, although exhibiting in an immoderate degree the love of pleasure natural to his time of life, was yet marked by a vigour which plainly indicated that he would not long submit to the superiority of his uncle Albany. From his earliest years he had been the darling of his father, and, even as a boy, his household and establishment appear to have been kept up with a munificence which was perhaps imprudent; yet the affectionate restraints imposed by his mother the queen, and the control of William de Drummond, the governor to whose charge his education seems to have been committed, might have done much for the formation of his character, had he not been deprived of both at an early age. It is a singular circumstance, also, that the king, although he possessed not resolution enough to shake off his imprudent dependence upon Albany, evidently dreaded his ambition, and had many misgivings for the safety of his favourite son, and the dangers by which he was surrounded. This may be inferred from the repeated bands or covenants for the support and defence of himself and his son and heir the Earl of Carrick, which were entered into between this monarch and his nobles, from the time the prince had reached his thirteenth year.<sup>2</sup>

<sup>1</sup> Chamberlain Accounts, vol. ii. p. 421. Et libat: Clerico libacionis, domus Dni nostri Regis, ad expensas ipsius domus "factas apud Sconam, et apud Perth tempore quo tentum fuit Scaccarium, quo etiam tempore tentum fuit consilium Reg: ibidem super multis punctis et articulis necessariis pro negotiis regni, et reipublice, £119, 6s. 4d." The account goes on to notice the creation of the Earl of Carrick as Duke of Rothesay, of Fife as Duke of Albany, and of David Lindsay as Earl of Crawford.

<sup>2</sup> Chamberlain Accounts, vol. ii. p. 197.

These bands, although in themselves not unknown to the feudal constitution, yet were new in so far as they were agreements, not between subject and subject, but between the king and those great vassals who ought to have been sufficiently bound to support the crown and the heir-apparent by the ordinary oaths of homage. It is in this light that these frequent feudal covenants, by which any vassal of the crown, for a salary settled upon him and his heirs, becomes bound to give his "service and support" to the sovereign and his eldest son the Earl of Carrick, are to be regarded as a new feature in the feudal constitution of the country, importing an increase in the power of the aristocracy, and a proportional decrease in the strength of the crown. There seems, in short, throughout the whole reign of David the Second and his successor, to have been a gradual dislocation of the parts of the feudal government, which left the nobles, far more than they had ever yet been, in the condition of so many independent princes, whose support the king could no longer compel as a right, but was reduced to purchase by pensions. In this way, there was scarce a baron of any power or consequence whom Robert had not attempted to bind to his service, and that of his son. The Duke of Albany, Lord Walter Stewart of Brechin his brother, Lord Murdoch Stewart, eldest son of Albany, and afterwards regent of the kingdom; Sir John Montgomery of Eaglesham, Sir William de Lindsay, Sir William Stewart of Jedburgh, and Sir John de Ramorgny, were all parties to agreements of this nature, in which the king, by a charter, grants to them, and in many instances to their children, for the whole period of their lives, certain large sums in annuity, under the condition of their defending the king and the Earl of Carrick, in time of peace as well as

war.<sup>1</sup> We shall soon have an opportunity of observing how feeble were such agreements to ensure to the crown the support and loyal attachment of the subjects, where they happened to counteract any schemes of ambition and individual aggrandizement.

In the meantime, the character of that prince, for whose welfare and security these alliances were undertaken, had begun to exhibit an increasing impatience of control, and an eager desire of power. Elegant in his person, with a sweet and handsome countenance, excelling in all knightly accomplishments, courteous and easy in his manners, and a devoted admirer of beauty, Rothesay was the idol of the populace; whilst a fondness for poetry, and a considerable acquaintance with the literature of the age, gave a superior refinement to his character, which, as it was little appreciated by a fierce nobility, probably induced him, in his turn, to treat their savage ignorance with contempt. He had already, at an early age, been familiarized to the management of public business, and had been engaged in the settlement of the disturbed northern districts, and employed as a commissioner for composing the differences on the borders.<sup>2</sup> His mother, the queen, a woman of great sense and spirit, united her influence to that of her son; and a strong party was formed for the purpose of reducing the power of Albany, and compelling him to retire from the chief management of affairs, and resign his power into the hands of the prince.

It was represented to the king, and with perfect truth, that the kingdom was in a frightful state of anarchy and disorder; that the administration of the

<sup>1</sup> Chamberlain Accounts, vol. ii. pp. 281, 310, 332, 197, 206, 207, 370, 495, 219.

<sup>2</sup> Ibid. p. 349. Winton, vol. ii. pp. 376, 377.

laws was suspended ; those who loved peace, and were friends to good order, not knowing where to look for support ; whilst, amid the general confusion, murder, robbery, and every species of crime, prevailed to an alarming and dreadful excess. All this had taken place, it was affirmed, in consequence of the misplaced trust which had been put into the hands of Albany, who prostituted his office of governor to his own selfish designs, and purchased the support of the nobles by offering them an immunity for their offences. " If," said the friends of the prince, " if it is absolutely necessary, from the increasing infirmities of the king, that he should delegate his authority to a governor or lieutenant, let his power be transferred to him to whom it is justly due, the heir-apparent to the throne ; so that the country be no longer torn and endangered by the ambition of two contending factions, and shocked by the indecent and undignified spectacle of perpetual disputes in the royal household." These representations, and the increasing strength of the party of the prince, convinced Albany that it would be prudent for the present to give way to the secret wishes of the king and the open ambition of Rothesay, and to resign that office of governor which he could no longer retain with safety.

A parliament was accordingly held at Perth on the 27th of January, 1398, of which the proceedings are interesting and important ; and it is fortunate that a Record has been lately discovered,<sup>1</sup> which contains a full account of this meeting of the three estates. It

<sup>1</sup> This valuable manuscript Record of the Parliament 1398, was politely communicated to me by Mr Thomson, Deputy-clerk Register, to whom we owe its discovery. It will be printed in the first volume of the Acts of the Parliaments of Scotland. It appears not to be an original Record, but a contemporaneous translation from the Latin original, now lost.

is declared, in the first place, that the "misgovernance of the realm, and the defaults in the due administration of the laws, are to be imputed to the king and his ministers;<sup>1</sup> and if, therefore, the king chooses to excuse his own mismanagement, he is bound to be answerable for his officers, whom he must summon and arraign before his council, whose decision is to be given after they have made their defence, seeing no man ought to be condemned before he is called and openly accused."

After this preamble, in which it is singular at this early period to see clearly announced the principle of the king's responsibility through his ministers, it is declared, that since the king, for sickness of his person, is not able to labour in the government of the realm, nor to restrain "tresspassours," the council have judged it expedient that the Duke of Rothesay should be the king's lieutenant generally throughout the land for the term of three years, having full power in all things, equally as if he were himself the king, under the condition that he is to be obliged, by his oath, to administer the office according to the directions of the council general; or, in absence of the parliament, with the advice of a council of experienced and faithful men, of whom the principal are to be the Duke of Albany, and Walter Stewart lord of Brechin, the Bishops of St Andrews, Glasgow, and Aberdeen, and the Earls of Douglas, Ross, Moray, and Crawford. To these were added, the Lord of Dalkeith, the Constable Sir Thomas Hay, the Marshal Sir William Keith, Sir Thomas Erskine, Sir Patrick Graham, Sir John Levingston, Sir William Stewart, Sir John of Ramorny, Adam Forester, along with the Abbot of

<sup>1</sup> Skene, in his statutes of Robert the Third, p. 59, has suppressed the words, "sulde be imputyt to the kyng." His words are, "sulde be imput to the king's officers."



Holyrood, the Archdean of Lothian, and Mr Walter Forester. It was next directed, that the different members of this council should take an oath to give to the young regent "lele counsail, for the common profit of the realm, nocht havande therto fede na frendschyp;" and that the duke himself be sworn to fulfil every thing which the king, in his coronation oath, had promised to holy kirk and the people. These duties of the king were summarily explained to consist in the upright administration of the laws; the maintenance of the old manners and customs for the people; the restraining and punishing of all manslaughterers, reifars, brennars, and generally all strong and masterful misdoers; and more especially in the seizing and putting down of all cursed or excommunicated men and heretics.

Such being the full powers committed to the regent, provision was made against an abuse very common in those times: The king, it was declared, shall be obliged not to "let or hinder the prince in the execution of his office by any counter orders, as has hitherto happened; and, if such were given, the lieutenant was not to be bound either to return an answer, or to obey them. It was next directed by the parliament, that whatever measures were adopted, or orders issued in the execution of this office, should be committed to writing, with the date of the day and place, and the names of the councillors by whose advice they were adopted; so that each councillor may be ready to answer for his own deed, and, if necessary, submit to the punishment, which, in the event of its being illegal, should be adjudged by the council-general. It was determined in the same parliament, that the prince, in the discharge of his duties as lieutenant, was to have the same salary allowed him as that given to the Duke of Albany, his

predecessor, in the office of regent, at the last council-general held at Stirling. With regard to the relations with foreign powers, it was resolved that an embassy, or, as it is singularly called, "a great message," be despatched to France; and that commissioners should be appointed to treat at Edinburgh of the peace with England, to determine whether the truce of twenty-eight years should be accepted or not.

On the subject of finance, a general contribution of eleven thousand pounds was raised for the common necessities of the kingdom, of which the clergy agreed to contribute their share, under protestation that it did not prejudice them in time to come; and the said contribution was directed to be levied upon all goods, cattle, and lands, as well demesne as other lands, excepting white sheep, riding-horses, and oxen for labour. With regard to the burghesses who were resident beyond the Forth, it was stated that they must contribute to this tax, as well as those more opulent burghers who dwelt in the south, upon protestation that their ancient laws and free customs should be preserved; that they should be required to pay only the same duties upon wool, hides, and skins, as in the time of King Robert last deceased, and be free from all tax upon salmon. The statutes which were passed in the council held at Perth, in April last, regarding the payment of duties upon English and Scots cloth, salt, flesh, grease, and butter, as well as horse and cattle, exported to England, were appointed to be continued in force; and the provisions of the same parliament went on to declare, that, considering the "great and horrible destructions, herschips, burning, and slaughter, which disgraced the kingdom, it was ordained, by consent of the three estates, that every sheriff should make proclamation, that no

man riding or going through the country be accompanied with more attendants than they are able to pay for; and that, under penalty of the loss of life and goods, no man disturb the country by such slaughters, burnings, raids, and destructions, as had been common under the late governor." The act also declared that, "after such proclamation has been made, the sheriff shall use all diligence to discover and arrest the offenders, and shall bind them over to appear and stand their trial at the next justice ayre: if unable to find bail, they were immediately to be put to the knowledge of an assize; and, if found guilty, instantly executed."

With regard to those higher and more daring offenders, whom the power of the sheriff, or his inferior officers, was altogether unable to arrest, (and there can be little doubt that this class included the greater portion of the nobles,) it was provided, that this officer "should publicly declare the names of them that may not be arrested, enjoining them within fifteen days to come and find bail to appear and stand their trial, under the penalty, that all who do not obey this summons shall be put to the king's horn, and their goods and estate confiscated." The only other provision of this parliament regarded a complaint of the queen-mother, stating, that her pension of two thousand six hundred marks had been refused by the Duke of Albany, the chamberlain, and an order by the king that it be immediately paid: a manifest proof of the jealousy which existed between this ambitious noble and the royal family.<sup>1</sup>

Whilst such was the course of events in Scotland, and the ambition of Rothesay, in supplanting his

<sup>1</sup> MS. Record of Parliament 1398, *ut supra*.

uncle Albany, was crowned with success, an extraordinary event had taken place in England, which seated Henry of Lancaster upon the throne, under the title of Henry the Fourth, and doomed Richard the Second to a perpetual prison. It was a revolution having, in its commencement, perhaps no higher object than to restrain within the limits of law the extravagant pretensions of the king; but it was hurried on to a consummation by a rashness and folly upon his part, which alienated the whole body of his people, and opened up to his rival an avenue to the throne, which it was difficult for human ambition to resist. The spectacle, however, of a king deposed by his nobles, and a crown forcibly appropriated by a subject who possessed no legitimate title, was new and appalling, and created in Scotland a feeling of indignant surprise, which is apparent in the accounts of our contemporary historians. Nor was this at all extraordinary. The feudal nobility considered the kingdom as a fee descendible to heirs, and regarded the right to the throne as something very similar to their own right to their estates; so that the principle, that a kingdom might be taken by *conquest*, on the allegation that the conduct of the king was tyrannical, was one which, if it gave Henry of Lancaster a lawful title, might afford to a powerful neighbour just as good a right to seize upon their property. It was extraordinary for us to hear, says Winton, with much simplicity, that a great and powerful king, who was neither pagan nor heretic, should yet be deposed like an old abbot, who is superseded for dilapidation of his benefice;<sup>1</sup> and it is quite evident, from the terms of the address which Henry used at his coronation,

<sup>1</sup> Winton, vol. ii. p. 386.

and his awkward attempt to mix up the principle of the king having vacated the throne by setting himself above the laws, with a vague hereditary claim upon his own side, that the same ideas were present to his mind, and occasioned him uneasiness and perplexity.<sup>1</sup>

It is well known that he was scarce seated on the throne, when a conspiracy for the restoration of the deposed monarch was discovered, which was soon after followed by the news that Richard had died in Pontefract castle, and by the removal of a body declared to be that of the late king from Pomfret to St Paul's, where, as it lay in state in its royal shroud, Henry himself, and the whole of the nobility, officiated in the service for the dead. A report, however, almost immediately arose, that this was not the body of the king, who, it was affirmed, was still alive, but that of Maudelain, his private chaplain, lately executed as one of the conspirators, and to whom the king bore a striking resemblance.<sup>2</sup> After the funeral service, it is certain that Henry did not permit the body to be deposited in the tomb which Richard had prepared for himself and his first wife, at Westminster, but had it conveyed to the church of the preaching friars at King's Langley, where it was interred with the utmost secrecy and despatch.<sup>3</sup>

Not long after this an extraordinary story arose in Scotland. King Richard, it was affirmed, having escaped from Pontefract, had found means to convey himself, in the disguise of a poor traveller, to the Western

<sup>1</sup> Fordun & Goodal, vol. ii. p. 427.

<sup>2</sup> Metrical Hist. of the Deposition of Richard the Second. *Archæologia*, vol. xx. p. 220.

<sup>3</sup> Otterburn, p. 229. Walsingham, p. 363. Gough's *Sepulchral Monuments*, vol. i. p. 168.

or out Isles of Scotland, where he was accidentally recognized by a lady who had known him in Ireland, and who was sister-in-law to Donald lord of the Isles. Clothed in this mean habit, the unhappy monarch sat down in the kitchen of the castle belonging to this island prince, fearful, even in this remote region, of being discovered and delivered up to Henry. He was treated, however, with much kindness, and given in charge to Lord Montgomery, who carried him to the court of Robert the Third, where he was received with honour. It was soon discovered, that whatever was the history of his escape, either misfortune for the time had unsettled his intellect, or that, for the purpose of safety, he assumed the guise of madness; for although recognized by those to whom his features were familiar, he himself denied that he was the king; and Winton describes him as half mad, or wild. It is certain, however, that during the continuance of the reign of Robert the Third, and, after his death, throughout the regency of Albany, a period of nineteen years, this mysterious person was treated with the consideration befitting the rank of a king, although detained in a sort of honourable captivity; and it was constantly asserted in England and France, and believed by many of those best able to obtain accurate information, that King Richard was alive, and kept in Scotland. So much, indeed, was this the case, that, as we shall immediately see, the reign of Henry the Fourth, and of his successor, was disturbed by repeated conspiracies, which were invariably connected with that country, and which had for their object his restoration to the throne. It is certain also, that in contemporary records of unquestionable authenticity, he is spoken of as Richard the Second, king of England; that he lived and died in the palace of Stirling; and that he was

buried with the name, state, and honours, of that unfortunate monarch.<sup>1</sup>

A cloud now began to gather over Scotland, which threatened to interrupt the quiet current of public prosperity, and once more to plunge the country into war. It was thought proper that the Duke of Rothesay, the heir-apparent to the throne, should no longer continue unmarried; and the Earl of March, one of the most powerful nobles in the kingdom, proposed his daughter, with the promise of a large dowery, as a suitable match for the young prince. The offer was accepted; but, before the preliminaries were arranged, March found his designs traversed and defeated by the intrigues and ambition of a family now more powerful than his own. Archibald earl of Douglas loudly complained, that the marriage of the heir to the crown was too grave a matter to be determined without the advice of the three estates, and, with the secret design of procuring the prince's hand for his own daughter, engaged in his interest the Duke of Albany, who still possessed a great influence over the character of the king. What were Rothesay's own wishes upon the occasion is not easily ascertained. It is not improbable, that his gay and dissipated habits, which unfortunately seem not to have been restrained by his late elevation, would have induced him to decline the proposals of both the earls; but he was overruled: the splendid dowery paid down by Douglas, which far exceeded the promises of March, was perhaps the most powerful argument in the estimation of the prince and the king; and it was determined that the daughter of Douglas should be preferred to Elizabeth of Dunbar.

In the meantime, the intrigue reached the ears of

<sup>1</sup> See Remarks on the Death of Richard the Second, at the end of this volume.

March, who was not of a temper to suffer tamely so disgraceful a slight; and, little able or caring to conceal his indignation, he instantly sought the royal presence, and upbraided the king for his breach of agreement, demanding redress, and the restoration of the sum which he had paid down. Receiving an evasive reply, his passion broke out into the most violent language; and he left the monarch with a threat, that he would either see his daughter righted, or take a revenge which should convulse the kingdom. The first part of the alternative, however, was impossible. It was soon discovered that Rothesay, with great speed and secrecy, had rode to Bothwell, where his marriage with Elizabeth Douglas had been precipitately concluded; and the moment that this intelligence reached him, March committed the charge of his castle of Dunbar to Maitland his nephew, repaired to the English court, and entered into a correspondence with the new king.

His flight was the signal for the Douglasses to wrest his castle out of the hands of the weak and irresolute youth to whom it had been intrusted, and to seize upon his noble estates; so that, to the insult and injustice with which he had already been treated, was added an injury which left him without house or lands, and compelled him to throw himself into the arms of England.<sup>1</sup>

On ascending the throne, the Duke of Lancaster, known henceforth by the title of Henry the Fourth, was naturally anxious to consolidate his power, and would willingly have remained at peace; but the expiration of the truce which had been concluded with his predecessor seems to have been hailed with mutual

<sup>1</sup> Rotuli Scotiæ, vol. ii. p. 153. Rymer, Fœdera, vol. viii. p. 153.



satisfaction by the fierce borderers; and careless of the pestilence which raged in England, the Scots broke across the marches in great force, and stormed the castle of Wark, during the absence of Sir Thomas Grey, the governor,<sup>1</sup> who, hurrying back to defend his charge, found it razed to the foundation. These inroads were speedily revenged by Sir Robert Umfraville, who defeated the Scots in a skirmish at Fullhopelaw, which was contested with much obstinacy. Sir Robert Rutherford with his five sons, Sir William Stewart, and John Turnbull, a famous leader, commonly called "Out wyth Swerd," were made prisoners;<sup>2</sup> and, the ancient enmity and rivalry between the two nations being again excited, the borderers on both sides issued from their woods and marshes, and commenced their usual system of cruel and unsparing ravage.

For a while these mutual excesses were overlooked, or referred to the decision of the march wardens; but Henry was well aware that the secret feelings both of the king and of Albany were against him: he knew they were in strict alliance with France, which threatened him with invasion; and the story of the escape of the real or pretended Richard, whom he of course branded as an impostor, while the Scots did not scruple to entertain him as king, was likely to rouse his keenest indignation. He accordingly received the Earl of March with distinguished favour; and this baron, whose remonstrances regarding the restoration of his castle and estates had been answered with scorn, renounced his allegiance to his lawful sovereign, and agreed to become henceforward the faithful subject of

<sup>1</sup> Walsingham, p. 362.

<sup>2</sup> Rymer, *Fœdera*, vol. viii. p. 162. "This expressive appellative" appears in Rymer, "*Joannus Tournebull Out wyth Swerd.*"

the King of England;<sup>1</sup> upon which that monarch publicly declared his intention of instantly invading the country, and prepared, at the head of an army, to chastise the temerity of his vassal in the assumed character of lord superior of Scotland. In so ludicrous a light did the revival of this exploded claim appear, that, with the exception of a miserable pasquinade, it met with no notice whatever. March, in the meantime, in conjunction with Hotspur and Lord Thomas Talbot, at the head of two thousand men, entered Scotland through the lands which he could no longer call his own, and wasting the country as far as the village of Popil, twice assaulted the castle of Hailes, but found himself repulsed by the bravery of the garrison; after which they burnt and plundered the villages of Traprain and Methill, and encamped at Linton, where they collected their booty, kindled their fires, and, as it was a keen and cold evening in November, proposed to pass the night. So carelessly had they set their watches, however, that Archibald Douglas, the earl's eldest son, by a rapid march from Edinburgh, had reached the hill of Pencrag before the English received any notice of his approach; upon which they took to flight in the utmost confusion, pursued by the Scots, who made many prisoners in the wood of Coldbrandspath, and continued the chase to the walls of Berwick, where they took the banner of Lord Talbot.<sup>2</sup>

Soon after this, Henry determined to make good his threats; and, at the head of an army far superior in number to any force which the Scots could oppose to him, proceeded to Newcastle; and from thence summoned Robert of Scotland to appear before him as his

<sup>1</sup> Rymer, *Fœdera*, vol. viii. p. 153.

<sup>2</sup> Fordun & Goodal, vol. ii. p. 429.

liegeman and vassal.<sup>1</sup> To this ridiculous demand no answer was returned, and the king advanced into Scotland, directing his march towards the capital. Rothesay, the governor, now commanded the castle of Edinburgh, and, incensed at the insolence of Henry, sent him his cartel, publicly defying him as his adversary of England; accusing him of having invaded, for the sole love of plunder, a country to which he had no title whatever; and offering to decide the quarrel, and spare the effusion of Christian blood which must follow a protracted war, by a combat of one hundred, two hundred, or three hundred nobles on each side.<sup>2</sup> This proposal Henry evaded, and proceeded without a check to Leith, from which he directed a monitory letter to the king, which, like his former summons, was treated with silent scorn.

The continuance of the expedition is totally deficient in historical interest, and is remarkable only from the circumstance, that it was the last invasion which an English monarch ever conducted into Scotland. It possessed also another distinction, highly honourable to its leader, in the unusual lenity which attended the march of the army, and the absence of that plunder, burning, and indiscriminate devastation, which had accompanied the last great invasion of Richard, and, indeed, almost every former enterprise of the English. After having advanced to Leith, where he met his fleet, and reprovisioned his army, Henry proceeded to lay siege to the castle of Edinburgh, which was bravely defended by the Duke of Rothesay. Albany, in the meantime, having collected a numerous army, pushed on, by rapid marches, towards the capital, with the apparent design of raising the siege, and

<sup>1</sup> Rymer, *Fœdera*, vol. viii. pp. 157, 158.

<sup>2</sup> *Ibid.* p. 158.

relieving the heir to the throne from the imminent danger to which he was exposed. On reaching Caldermoor, however, he pitched his tents, and showed no inclination to proceed; whilst public rumour loudly accused him of an intention to betray the prince into the hands of the enemy, and clear for himself a passage to the throne. Yet, although the prior and subsequent conduct of Albany gave a plausible colour to such reproaches, it is not impossible that the Duke might have avoided a battle without any such base intentions. The season of the year was far advanced, and the numerous host of the English king was already suffering grievously, both from sickness and want of provisions. Rothesay, on the contrary, and his garrison, were well provisioned, in high spirits, and ready to defend a fortress of great natural strength to the last extremity. The event showed the wisdom of these calculations; for Henry, after a short experience of the strength of the castle, withdrew his army from the siege; and receiving, about the same time, intelligence of the rebellion of the Welsh, commenced his retreat into England.

It was conducted with the same discipline and moderation which had marked his advance. Wherever a castle or fortalice requested protection, it was instantly granted, and a pennon, with the arms of England, was hung over the battlements, which was sacredly respected by the soldiers. Henry's reply to two canons of Holyrood, who besought him to spare their monastery, was in the same spirit of benevolence and courtesy: "Never," said he, "while I live, shall I cause distress to any religious house whatever: and God forbid that the monastery of Holyrood, the asylum of my father when an exile, should suffer aught from his son! I am myself a Cumin, and by

this side half a Scot ; and I came here with my army, not to ravage the land, but to answer the defiance of certain amongst you who have branded me as a traitor, to see whether they dare to make good the opprobrious epithets with which I am loaded in their letters to the French king, which were intercepted by my people, and are now in my possession. I sought him" (he here probably meant the Duke of Albany) "in his own land, anxious to give him an opportunity of establishing his innocence, or proving my guilt ; but he has not dared to meet me."<sup>1</sup>

That these were not the real motives which led to an expedition so pompous in its preliminaries, and so inglorious in its results, Henry himself has told us, in the revival of the claim of homage, the summons to Robert as his vassal, and his resolution to punish his contumacy, and to compel him to sue for pardon ; but when he discovered that any attempt to effect this would be utterly futile, and the rumours of the rebellion of Glendower made him anxious to return, it was not impolitic to change his tone of superiority into more courteous and moderate language, and to represent himself as coming to Scotland, not as a king to recover his dominions, but simply as a knight to avenge his injured honour. He afterwards asserted, that, had it not been for the false and flattering promises of Sir Adam Forester, made to him when he was in Scotland, he should not have so readily quitted that country ; but the subject to which the king alluded is involved in great obscurity.<sup>2</sup> It may, perhaps, have related to the delivery into his hands of the mysterious captive, who is supposed to have been Richard the Second.

<sup>1</sup> Fordun a Goodal, vol. ii. p. 430.

<sup>2</sup> Parliamentary Hist. of England, vol. ii. p. 72.

The condition of the country now called for the attention of the great national council; and, on the 21st of February, 1401, a parliament was held at Scone,<sup>1</sup> in which many wise and salutary laws were passed. To some of these, as they throw a strong and clear light upon the civil condition of the country, it will be necessary to direct our attention; nor will the reader, perhaps, regret that the stirring narrative of war is thus sometimes broken by the quiet pictures of peace. The parliament was composed of the bishops, abbots, and priors; with the dukes, earls, and barons, and the freeholders and burgesses, who held of the king in chief. Its enactments appear to have related to various subjects connected with feudal possession: such as the brief of inquest; the duty of the chancellor in directing a precept of seisin upon a retour; the prevention of distress to vassals from all improper recognition of their lands made by their overlords; the regulation of the laws regarding the succession to a younger brother dying without heirs of his body; and the prevention of a common practice, by which, without consent of the vassal, a new superior was illegally imposed upon him. Owing to the precarious condition of feudal property, which, in the confusions incident to public and private war, was constantly changing its master, and to the tyranny of the aristocracy of Scotland, it is not surprising that numberless abuses should have prevailed, and that, to use the expressive language of the record itself, "divers and sindrie our soverane lordis lieges should be many wayes unjustlie trubled and wexed in their lands and heritage be inquisitions taken favorably, and be ignorant persons." To remedy such malversation, it was enacted, that no sheriff or other judge

<sup>1</sup> Statutes of King Robert the Third, p. 51. Regiam Majestatem.

should cause any brief of inquest to be served, except in his own open court; and that the inquest should be composed of the most sufficient and worthy persons resident within his jurisdiction, whom he was to summon upon a premonition of fifteen days. When an inquest had made a retour, by which the reader is to understand the jury giving their verdict or judgment, the chancellor was prohibited from directing a precept of seisin, or a command to deliver the lands into the hands of the vassal, unless it appeared clearly stated in the retour that the last heir was dead, and the lands in the hands of the king or the overlord.

It was enacted, at the same time, that all barons and freeholders who held of the king, should provide themselves with a seal bearing their arms, and that the retour should have appended to it the seals of the sheriff, and of the majority of the persons who sat upon the inquest. It appears to have been customary in those unquiet times, when "strongest might made strongest right," for the great feudal barons, upon the most frivolous pretences, to resume their vassals' lands, and to dispose of them to some more favoured or more powerful tenant. This great abuse, which destroyed all the security of property, and thus interrupted the agricultural and commercial improvement of the country, called for immediate redress; and a statute was passed by which all such "gratuitous recognitions or resump-tions of lands which had been made by any overlord, are declared of none effect, unless due and lawful cause be assigned for such having taken place." It was provided, also, that no vassal should lose possession of his lands in consequence of such recognition, until after the expiration of a year, provided he used diligence to repledge his lands within forty days thereafter.<sup>1</sup> The

<sup>1</sup> Statutes of King Robert the Third, pp. 52, 55.

mode in which this ceremony is to be performed, is briefly but clearly pointed out: the vassal being commanded to pass to the principal residence of his overlord, and, before witnesses, to declare his readiness to perform all feudal services to which he is bound by law, requesting the restoration of his lands upon his finding proper security for the performance of his duties as vassal; and in order to the prevention of all concealed and illegal resumptions, it is made imperative on the overlord to give due intimation of them in the parish church, using the common language of the realm; whilst the vassal is commanded to make the same proclamation of any offer to repledge, in the same public manner. In the event of a younger brother dying without heirs of his body, it is declared that his "conquest lands,"—that is, those acquired not by descent, but by purchase, or other title,—should belong to the immediate elder brother, according to the old law upon the subject; and it is made illegal for any vassal holding lands of the king, to have a new superior imposed upon him by any grant whatever, unless he himself consent to this alteration.

In those times of violence, it is interesting to observe the feeble attempts of the legislature to introduce these restraints of the law. In the event of a baron having a claim of debt against any unfortunate individual, it seems to have been a common practice for the creditor, on becoming impatient, to have proceeded to his house or lands, and there to have helped himself to an equivalent, or, in the language of the statute-book, "to have taken his poynd." And in such cases, where a feudal lord, with his vassals at his heel, met with any attractive property, in the form of horses or cattle, or rich household furniture, it may easily be believed that he would stand on little ceremony as to the exact amount



of the debt, but appropriate what pleased him without much compunction. This practice was declared illegal, "unless the seizure be made within his own dominions, and for his own proper debt;" an exception proving the extreme feebleness of the government, and in truth, when we consider the immense estates possessed at this period by the great vassals of the crown, amounting almost to a total annulment of the law.<sup>1</sup> In somewhat of the same spirit of toleration, a law was made against any one attempting, by his own power and authority, to expel a vassal from his lands, on the plea that he is not the rightful heir; and it was declared that, whether he be possessed of the land lawfully or unlawfully, he shall be restored to his possession, and retain the same until he lose it by the regular course of law; whilst no penalty was inflicted on him who thus dared, in the open defiance of all peace and good government, to take the execution of the law into his own hands.

It was next declared unlawful to set free upon bail certain persons accused of great or heinous crimes; and the offenders thus excepted were described to be those taken for manslaughter, breakers of prison, common and notorious thieves, persons apprehended for fire-raising or felony, falsifiers of the king's money, or of his seal; such as have been excommunicated, and seized by command of the bishop; those accused of treason, and bailies who are in arrears, and make not just accounts to their masters.<sup>2</sup> Any excommunicated person who complains that he has been unjustly dealt with, was empowered, within forty days, to appeal from his judge to the conservator of the clergy, who, being advised by his counsel, must reform the sentence; and if

<sup>1</sup> Statutes of King Robert the Third. p. 54.

<sup>2</sup> Ibid.

the party still conceived himself to be aggrieved, it was made lawful for him to carry his appeal, in the last instance, to the General Assembly of the Church. With regard to the trial of cases by "singular combat," a wise attempt seems to have been made in this parliament to limit the circumstances under which this savage and extraordinary mode of judgment was adopted; and it is declared, that there must be four requisites in every crime before it is to be so tried. It must infer a capital punishment—it must have been secretly perpetrated—the person appealed must be pointed out by public and probable suspicion as its author—and it must be of such a nature as to render a proof by written evidence or by witnesses impossible. It was appointed that the king's lieutenant, and others the king's judges, should be bound and obliged to hear the complaints of all churchmen, widows, pupils, and orphans, regarding whatever injuries may have been committed against them; and that justice should be done to them speedily, and without taking from them any pledges or securities. Strict regulation was made, that all widows, who, after the death of their husbands, had been violently expelled from their dower lands, should be restored to their possession, with the accumulated rents due since their husbands' death; and it was specially provided, that interest or usury should not run against the debts of a minor until he is of perfect age, but that the debt should be paid with the interest which was owing by his predecessor, previous to his decease.<sup>1</sup>

Some of the more minute regulations of the same parliament are curious: a fine of a hundred shillings was imposed on all who catch salmon within the forbidden time; a penalty of six shillings and eight pence

<sup>1</sup> Statutes of King Robert the Third, p. 56.

on all who slay hares in time of snow ; and it was strictly enjoined, as a statute to be observed through the whole realm, that there should be no muir-burning, or burning of heath, except in the month of March ; and that a penalty of forty shillings should be imposed upon any one who dared to infringe this regulation, which should be given to the lord of the land where the burning had taken place.<sup>1</sup> With regard to a subject of great importance, “the assize of weightis and measuris,” it is to be regretted that the abridgment of the proceedings of this parliament, left by Skene, which is all that remains to us, is in many respects confused and unintelligible. The original record itself is unfortunately lost. The chapter upon weights and measures commences with the declaration, that King David’s common elne, or ell, had been found to contain thirty-seven measured inches, each inch being equal to three grains of bear placed lengthways, without the tail or beard. The stone, by which wool and other commodities were weighed, was to contain fifteen pounds ; but a stone of wax only eight pounds : the pound itself being made to contain fifteen ounces, and to weigh twenty-five shillings. It is observed, in the next section of this chapter, that the pound of silver in the days of King Robert Bruce, the first of that name, contained twenty-six shillings and four pennies, in consequence of the deterioration of the money of this king from the standard money in the days of David the First, in whose time the ounce of silver was coined into twenty pennies. The same quantity of silver, under Robert the First, was coined into twenty-one pennies ; “but now,” adds the record, “in our days, such has been the deterioration of the money of the realm, that the ounce of silver actually contains thirty-two pennies.”

<sup>1</sup> Statutes of King Robert the Third, pp. 53, 54.

It was enacted, that the boll should contain twelve gallons, and should be nine inches in depth, including the thickness of the tree on both the sides. In the roundness or circumference above, it was to be made to contain threescore and twelve inches in the middle of the "ower tree;" but in the inferior roundness or circumference below, threescore eleven inches. The gallon was fixed to contain twelve pounds of water, four pounds of sea water, four of clear running water, and four of stagnant water. Its depth was to be six inches and a half, its breadth eight inches and a half, including the thickness of the wood on both sides; its circumference at the top twenty-seven inches and a half, and at the bottom twenty-three inches.<sup>1</sup> Such were all the regulations with regard to this important subject which appear in this chapter, and they are to be regarded as valuable and venerable relics of the customs of our ancestors; but the perusal of a single page of the Chamberlain Accounts will convince us how little way they go towards making up a perfect table of weights and measures, and how difficult it is to institute any thing like a fair comparison between the actual wealth and comfort of those remote ages, and the prosperity and opulence of our own times.

The parliament next turned its attention to the providing of checks upon the conduct and administration of judges: a startling announcement, certainly, to any one whose opinions are formed on modern experience, but no unnecessary subject for parliamentary interference during these dark times. It was enacted, that every sheriff should have a clerk appointed, not by the sheriff, but by the king, to whom alone this officer was to be responsible; and that such clerk should be one

<sup>1</sup> Statutes of King Robert the Third, p. 56.

of the king's retinue and household, and shall advise with the king in all the affairs which were intrusted to him.<sup>1</sup> The sheriffs themselves were to appear yearly, in person or by deputy, in the king's Court of Exchequer, under the penalty of ten pounds, and removal from office; their fees, or salaries, were made payable out of the escheats in their own courts, and were not due until an account had been given by them in the Exchequer; and it was specially ordained, that no sheriff should pass from the king's court to execute his various duties in the sheriffdom, without having along with him for his information the "Acts of Parliament, and certain instructions in writ, to be given him by the king's privy-council." It was enacted, that justiciars should be appointed upon the south side and north side of the water of Forth; it was made imperative upon these high judges to hold their courts twice in the year in each sheriffdom within their jurisdiction; and if any justiciar omitted to hold his court without being able to allege any reasonable impediment, he was to lose a proportion of his salary, and to answer to the king for such neglect of duty.

The process of all cases brought before the justiciar was appointed to be reduced into writing by the clerk; and a change was introduced from the old practice with regard to the circumstances under which any person summoned before the justiciar should be judged and punished as contumacious for not appearing. Of old, the fourth court, that is, the court held on the fourth day, was peremptory in all cases, except such as concerned fee and heritage; but it was now appointed that the second court, or the court held on the second day, and on the last day, should be peremptory; and

<sup>1</sup> Statutes of King Robert the Third, p. 57.

any person who, being lawfully summoned, neglected to appear on either of these days, was to be denounced a rebel, and put to the horn, as was the custom in "auld times and courts."<sup>1</sup> The office of the coroner was to arrest persons thus summoned; and it was declared lawful for such officers to make such arrests at any time within the year, either before or after the proclamation of the justice ayre. All lords of regality—by which the reader is to understand such feudal barons as possessed authority to hold their own courts within a certain division of property—all sheriffs, and all barons, who have the power of holding criminal courts, were strictly enjoined to follow the same order of proceeding as that which has been laid down for the observance of the justiciars. These supreme judges were also commanded, in their annual courts, to inquire rigidly into the conduct of the sheriffs and other inferior officers; to scrutinize the manner in which they have discharged the duties committed to them; and, if they found them guilty of malversation, to remove them from their offices until the meeting of the next parliament. Any sheriff or inferior officer thus removed, was to find security for his appearance before the parliament, who, according to their best judgment, were to determine the punishment due for his offence, whether a perpetual removal from his office, or only a temporary suspension; and, in the meanwhile, the person so offending was ordained to lose his salary for that year, and another to be substituted by the justiciar in his place.

With regard to such malefactors as were found to be common destroyers of the land, wasting the king's lieges with plundering expeditions, burning, and con-

<sup>1</sup> Statutes of King Robert the Third, p. 57.

suming the country in their ruinous passage from one part to another, the sheriffs were commanded to do all diligence to arrest them, and to bind them over to appear at the next court of the justiciar on a certain day, under a penalty of twenty pounds for each offender, to be paid, in case of contumacy or non-appearance, by those persons who were his sureties; and it was strictly enjoined that no person, in riding through the country, should be attended by more persons than those for whom he makes full payment, under the penalty of loss of life and property. In all time coming, no one was to be permitted with impunity to commit any slaughter, burning, theft, or "her-schip;" and if the offender guilty of such crimes be not able to find security for his appearance, to stand his trial before the justiciar, the sheriff was enjoined instantly to try him by an assize, and, if the crime be proved against him, take order for his execution. In the case of thieves and malefactors who escaped from one sheriffdom to another, the sheriff within whose jurisdiction the crime had been committed, was bound to direct his letters to the sheriff in whose county the delinquent had taken refuge. It was made imperative on such officer, with the barons, freeholders, and others the king's lieges, to assist in the arrest of such fugitives, in order to their being brought to justice, and this in every case, as well against their own vassals and retinue as against others; whilst any baron or other person who disobeyed this order, and refused such assistance, was to pay ten pounds to the king, upon the offence being proved against him before a jury.

It was made lawful for any tenant or farmer, who possessed lands under a lease of a certain endurance, to sell or dispose of the lease to whom he pleased,

any time before its expiration. Any vassal or tenant who was found guilty of concealing the charter by which he held his lands, when summoned by his overlord to exhibit it, was to lose all benefit he might claim upon it; and in the case of a vassal having lost such charter, or of his never having had any charter, a jury was to be impannelled, in the first event, for the purpose of investigating by witnesses whether the manner of holding corresponds with the tenor of the charter which had been lost; and, in the second case, to establish by what precise manner of holding the vassal was in future to be bound to his overlord, which determination of the assize was in future to stand for his charter. If any person, in consequence of the sentence of a jury, had taken seisin or possession of land which was then in the hands of another, who affirmed it to be his property, it was made lawful for this last to retain possession, and to break the seisin, by instituting a process for its reduction within fifteen days, if the lands be heritage, and forty days if they be conquest. If any pork or bacon which was unwholesome from any cause, or salmon spoilt and foul from being kept too long, was brought to market, it was to be seized by the bailies, and sent immediately to the "lipper folk;"<sup>1</sup> a species of barbarous economy which says little for the humanity of the age; the bailies, at the same time, were to take care that the money paid for it be restored; and "gif there are no lipper folk," the obnoxious provisions were to be destroyed.<sup>2</sup>

Such is an outline of the principal provisions of this parliament, which I have detailed at some length, as they are the only relics of our legislative history which

<sup>1</sup> Leprous folk.

<sup>2</sup> Statutes of King Robert the Third, p. 59.



we shall meet with, until the reign of the first James; a period when the light reflected upon the state of the country, from the parliamentary proceedings, becomes more full and clear. Important as these provisions are, and evincing no inconsiderable wisdom for so remote a period, it must be recollected that, in such days of violence and feudal tyranny, it was an easier thing to pass acts of parliament than to carry them into execution. In all probability, there was not an inferior baron who, sitting in his own court, surrounded by his mail-clad vassals, did not feel himself strong enough to resist the feeble voice of the law; and as for the greater nobles, to whom such high offices as justiciar, chancellor, or chamberlain, were committed, it is certain, that instead of the guardians of the laws, and protectors of the rights of the people, they were themselves often their worst oppressors, and, from their immense power and vassalage, able, in frequent instances, to defy the mandates of the crown, and to resist all legitimate authority.

Of this prevalence of successful guilt in the higher classes, the history of the country during the year in which this parliament assembled, afforded a dreadful example, in the murder of the Duke of Rothesay, the heir-apparent to the throne, by his uncle the Duke of Albany. Rothesay's marriage, which in all probability was the result of political convenience more than of inclination, does not appear to have improved his character. At an age when better things were to be expected, his life continued turbulent and licentious; the spirit of mad unbridled frolic in which he indulged, the troops of gay and dissipated companions with whom he associated, gave just cause of offence to his friends, and filled the bosom of his fond and weak father with anxiety and alarm. Even after his assuming the tem-

porary government of the country, his conduct was wild and unprincipled; he often employed the power intrusted to him against, rather than in support of, the laws and their ministers; plundered the collectors of the revenue;<sup>1</sup> threatened and overruled the officers to whose management the public money was intrusted, and exhibited an impatience for uncontrolled dominion.

Yet amid all his recklessness, there was a high honour and a courageous openness about Rothesay, which were every now and then breaking out, and giving promise of reformation. He hated all that was double, whilst he despised, and delighted to expose, that selfish cunning which he had detected in the character of his uncle, whose ambition, however carefully concealed, could not escape him. Albany, on the other hand, was an enemy whom it was the extremity of folly and rashness to provoke. He was deep, cold, and unprincipled; his objects were pursued with a pertinacity of purpose, and a complete command of temper, which gave him a great superiority over the wild and impetuous nobility by whom he was surrounded; and when once in his power, his victims had nothing to hope for from his pity. Rothesay he detested, and there is reason to believe had long determined on his destruction, as the one great obstacle which stood in the path of his ambition, and as the detector of his deep-laid intrigues; but he was for a while controlled and overawed by the influence of the queen, and of her two principal friends and advisers, Trail bishop of St Andrews, and Archibald the Grim earl of Douglas. Their united wisdom and authority had the happiest effects in restraining the wildness of the prince; soothing the irritated feelings of the king,

<sup>1</sup> Chamberlain Accounts, vol. ii. pp. 512, 520, 476.

whose age and infirmity had thrown him into complete retirement ; and counteracting the ambition of Albany, who possessed too great an influence over the mind of the monarch. But soon after this the queen died ; the Bishop of St Andrews and the Earl of Douglas did not long survive her ; and, to use the strong expression of Fordun, it was now said commonly through the land,<sup>1</sup> that the glory and the honesty of Scotland were buried with these three noble persons. All began to look with anxiety for what was to follow ; nor were they long kept in suspense. The Duke of Rothesay, freed from the gentle control of maternal love, broke into some of his accustomed excesses ; and the king, by the advice of Albany, found it necessary to subject him to a control which little agreed with his impetuous temper.

It happened, that amongst the prince's companions was a Sir John de Ramorgny, who, by a judicious accommodation of himself to his capricious humours, by flattering his vanity and ministering to his pleasures, had gained the intimacy of Rothesay. Ramorgny appears to have been one of those men in whom extraordinary, and apparently contradictory qualities were found united. From his education, which was of the most learned kind, he seems to have been intended for the church ; but the profligacy of his youth, and the bold and audacious spirit which he exhibited, unfitted him for the sacred office, and he became a soldier and a statesman. His great talents for business being soon discovered by Albany, he was repeatedly employed in diplomatic negotiations both at home and abroad ; and this intercourse with foreign countries, joined to a cultivation of those elegant accomplishments to which

<sup>1</sup> Fordun a Goodal, vol. ii. p. 431. Extracta ex Chronicis Scotiæ, MS. p. 248.

most of the feudal nobility of Scotland were still strangers, rendered his manners and his society exceedingly attractive to the young prince. But these polished and delightful qualities were superinduced upon a character of consummate villany, as unprincipled in every respect as that of Albany, but fiercer, more audacious, and, if possible, more unforgiving.

Such was the person whom Rothesay in an evil moment admitted to his confidence and friendship, and to whom, upon being subjected to the restraint imposed upon him by Albany and his father, he vehemently complained. Ramorgny, with all his acuteness, had in one respect mistaken the character of the prince; and, deceived by the violence of his resentment, he darkly hinted at a scheme for ridding himself of his difficulties, by the assassination of his uncle. To his astonishment, the proposal was met by an expression of scorn and abhorrence; and whilst Rothesay disdained to betray his profligate associate, he upbraided him in terms too bitter to be forgiven. From that moment Ramorgny was transformed into his worst enemy; and throwing himself into the arms of Albany, became possessed of his confidence, and turned it with fatal revenge against Rothesay.<sup>1</sup> It was unfortunate for this young prince, that his caprice and fondness for pleasure, failings which generally find their punishment in mere tedium and disappointment, had raised against him two powerful enemies, who sided with Albany and Ramorgny, and, stimulated by a sense of private injury, readily lent themselves to any plot for his ruin. These were, Archibald earl of Douglas the brother of Rothesay's wife, Elizabeth Douglas, and Sir William Lindsay of Rossey, whose sister he had

<sup>1</sup> Extracta ex Chronicis Scotiæ, MS. Advocates' Library, Edinburgh, p. 248.

loved and forsaken. Ramorgny well knew that Douglas hated the prince for the coldness and inconstancy with which he treated his wife, and that Lindsay had never forgiven the slight put upon his sister; and with all the dissimulation in which he was so great a master, he, assisted by Albany, contrived, out of these dark elements, to compose a plot which it would have required a far more able person than Rothesay to have defeated.

They began by representing to the king, whose age and infirmities now confined him to a distant retirement, and who knew nothing but through the representations of Albany, that the wild and impetuous conduct of his son required a more firm exertion of restraint, than any which had yet been employed against him. The bearers of this unwelcome news to the king were Ramorgny and Lindsay; and such was the success of their representations, that they returned to Albany with an order under the royal signet, to arrest the prince, and place him in temporary confinement. Secured by this command, the conspirators now drew their meshes more closely round their victim; and the bold and unsuspecting character of the prince gave them every advantage. It was the custom, in those times, for the castle or palace of any deceased prelate to be occupied by the king, until the election of his successor; and although the triennial period of the prince's government was now expired, yet, probably jealous of the resumption of his power by Albany, he determined to seize the castle of St Andrews, belonging to Trail the bishop, lately deceased, before he should be anticipated by any order of the king. The design was evidently illegal; and Albany, who had received intimation of it, determined to make it the occasion of carrying his purpose into

execution. He accordingly laid his plan for intercepting the prince ; and Rothesay, as he rode towards St Andrews, accompanied by a small retinue, was arrested near Stratyrum, by Ramorgny and Lindsay, and subjected to a strict confinement in the castle of St Andrews, until the duke and the Earl of Douglas should determine upon his fate.

This needed little time, for it had been long resolved on ; and when once masters of his person, the catastrophe was as rapid as it was horrible. In a tempestuous day, Albany and Douglas, with a strong party of soldiers, appeared at the castle, and dismissed the few servants who waited on him. They then compelled him to mount a sorry horse, threw a coarse cloak over his splendid dress, and hurrying on, rudely and without ceremony, to Falkland, thrust him into a dungeon. The unhappy prince now saw that his death was determined, but he little anticipated its cruel nature. For fifteen days he was suffered to remain without food, under the charge of two ruffians named Wright and Selkirk,<sup>1</sup> whose task it was to watch the agony of their victim till it ended in death. It is said, that, for a while, the wretched prisoner was preserved in a remarkable manner, by the kindness of a poor woman, who, in passing through the garden of Falkland, and attracted by his groans to the grated window of his dungeon, which was level with the ground, became acquainted with his story. It was her custom to steal thither at night, and bring him food by dropping small

<sup>1</sup> John Wright and John Selkirk are the names, as given by Fordun a Goodal, vol. ii. p. 431. In the Chamberlain Accounts, vol. ii. p. 666, sub anno 1405, is the following entry, which perhaps relates to this infamous person : "*Johanni Wright uni heredum quondam Ricardi Ranulphi, per infeodacionem antiquam regis Roberti primi percipienti per annum hereditarie quinque libras de firmis dicti burgi (Aberdeen.)*"

cakes through the grating, whilst her own milk, conducted through a pipe to his mouth, was the only way he could be supplied with drink. But Wright and Selkirk, suspecting, from his appearance, that he had some secret supply, watched and detected the charitable visitant ; and the prince was abandoned to his fate. When nature at last sunk, his body was found in a state too horrible to be described, but which showed that in the extremities of hunger, he had gnawed and torn his own flesh. It was then carried to the monastery of Lindores, and there privately buried, while a report was circulated that the prince had been taken ill and died of a dysentery.<sup>1</sup>

The public voice, however, loudly and vehemently accused his uncle of the murder ; the cruel nature of his death threw a veil over the folly and licentiousness of his life ; men began to remember and to dwell upon his better qualities ; and Albany found himself daily becoming more and more the object of scorn and detestation. It was necessary for him to adopt some means to clear himself of such imputations ; and the skill with which the conspiracy had been planned was now apparent : he produced the king's letter commanding the prince to be arrested ; he affirmed that every thing which had been done was in consequence of the orders he had received, defying any one to prove that the slightest violence had been used ; and he appealed to and demanded the judgment of the parliament. This great council was accordingly assembled in the monastery of Holyrood, on the 16th of May, 1402 ; and a solemn farce took place, in which Albany and Douglas were examined as to the causes of the prince's death. Unfortunately, no original record of the exa-

<sup>1</sup> Fordun & Goodal, vol. ii. p. 431 ; Chamberlain Accounts, vol. ii. p. 511.

mination, or of the proceedings of the parliament, has been preserved. The accused, no doubt, told the story in the manner most favourable to themselves, and none dared to contradict them; so that it only remained for the parliament to declare themselves satisfied, and to acquit them of all suspicion of a crime which they had no possibility of investigating. Even this, however, was not deemed sufficient, and a public remission was drawn up, under the king's seal, declaring their innocence, in terms which are quite conclusive as to their guilt.<sup>1</sup>

The explanation of these unjust and extraordinary proceedings is to be found in the exorbitant power of Douglas and Albany, and the weakness of the unhappy monarch, who bitterly lamented the fate of his son, and probably well knew its authors, but dreaded to throw the kingdom into those convulsions which must have preceded their being brought to justice. Albany, therefore, resumed his situation of governor; and the fate of Rothesay was soon forgotten in preparations for continuing the war with England.

The truce, as was usual, had been little respected by the borderers of either country; the Earl of Douglas being accused of burning Bamborough castle, and that baron reproaching Northumberland for the ravages committed in Scotland. The eastern marches especially were exposed to constant ravages by the Earls of March and the Percies; nor was it to be expected that so powerful a baron as March would bear to see his vast possessions in the hands of the house of Douglas, without attempting either to recover them himself, or by havock and burning to make them

<sup>1</sup> This deed was discovered by Mr Astle, and communicated by him to Lord Hailes, who printed it in his *Remarks on the History of Scotland*.



useless to his enemy. These bitter feelings led to constant and destructive invasions; and the Scottish border barons,—the Haliburtons, the Hepburns, Cockburns, and Lauders,—found it necessary to assemble their whole power, and intrust the leading of it by turns to the most warlike amongst them, a scheme which rendered every one anxious to eclipse his predecessor by some exploit, or successful point of arms, termed in the military language of the times, *chevanches*. On one of these occasions, the conduct of the little army fell to Sir Patrick Hepburn of Hailes, whose father, a venerable soldier of eighty years, was too infirm to take his turn in command. Hepburn broke into England and laid waste the country; but his adventurous spirit led him too far on, and Percy and March had time to assemble their power, and to intercept the Scots at Nesbit Moor, in the Merse, where a desperate conflict took place. The Scots were only four hundred strong, but they were admirably armed and mounted, and had amongst them the flower of the warriors of the Lothians; the battle was for a long time bloody and doubtful, till the Master of Dunbar, joining his father and Northumberland, with two hundred men from the garrison at Berwick, decided the fortune of the day.<sup>1</sup> Hepburn was slain, and his bravest knights either shared his fate or were taken prisoners. The spot where the conflict took place is still known by the name of Slaughter Hill.<sup>2</sup> So important did Henry consider this success, probably from the rank of the captives, that, in a letter to his privy council, he informed them of the defeat of the Scots; complimented Northumberland and his son on their activity; and commanded them to issue their

<sup>1</sup> Fordun a Goodal, vol. ii. p. 433.

<sup>2</sup> Hume's Douglas and Angus, vol. i. p. 218.

orders for the array of the different counties, as their indefatigable enemies, in great strength, had already ravaged the country round Carlisle, and were meditating a second invasion.

Nor was this inaccurate intelligence; for the desire of revenging the loss sustained at Nesbit Moor, and the circumstance of the King of England being occupied in the suppression of the Welsh rebellion under Glendower, encouraged the Earl of Douglas to collect his whole strength; and Albany, the governor, having sent his eldest son, Murdoch, to join him with a strong body of archers and spearmen, their united force was found to amount to ten thousand men. The earls of Moray and Angus; Fergus Macdowall, with his fierce and half-armed Galwegians; the heads of the noble houses of Erskine, Grahame, Montgomery, Seton, Sinclair, Lesley, the Stewarts of Angus, Lorn, and Durisdeer, and many other knights and esquires, embracing the greater part of the chivalry of Scotland, assembled under the command of the Earl of Douglas; and, confident in their strength, and eager for revenge, pushed on, without meeting an enemy, to the gates of Newcastle. But although Henry was himself personally engaged in his Welsh war, he had left the veteran Earl of Northumberland, and his son Hotspur, in charge of the borders; and the Scottish Earl of March, who had renounced his fealty to his sovereign, and become the subject of England, joined the Percies, with his son, Gawin of Dunbar.

Douglas, it may be remembered, had risen upon the ruins of March, and possessed his castle and estates; so that the renegade earl brought with him, not only an experience in Scottish war, and an intimate knowledge of the border country, but that bitter spirit of enmity which made him a formidable enemy. It was

probably by his advice that the Scots were allowed to advance without opposition through the heart of Northumberland; for the greater distance they were from home, and the longer time allowed to the English to collect their force, it was evidently the more easy to cut off their retreat, and to fight them at an advantage.

The result showed the correctness of this opinion. The Scottish army, loaded with plunder, confident in their own strength, and secure in the apparent panic of the enemy, retreated slowly and carelessly, and had encamped near Wooler, when they were met by the intelligence that Hotspur, with a strong army, had occupied the pass in their front, and was advancing to attack them. Douglas immediately drew up his force in a deep square, upon a neighbouring eminence, called Homildon Hill; an excellent position, had his sole object been to repel the attacks of the English cavalry and men-at-arms, but in other respects the worst that could have been chosen, for the bulk of Percy's force consisted of archers, and there were many eminences round Homildon by which it was completely commanded, the distance being within arrow-flight. Had the Scottish knights and squires, and the rest of their light-armed cavalry, who must have composed a body of at least a thousand men, taken possession of the rising ground in advance, they might have charged the English archers before they came within bow-shot, and the subsequent battle would have been reduced to a close-hand encounter, in which the Scots, from the strong ground which they occupied, must have fought to great advantage; but from the mode in which it was occupied by Douglas, who crowded his whole army into one dense column, the position became the most fatal that could have been selected.

The English army now rapidly advanced, and on coming in sight of the Scots, at once occupied the opposite eminence, which, to their surprise, they were permitted to do, without a single Scottish knight or horseman leaving their ranks; but at this crisis, the characteristic impetuosity of Hotspur, who, at the head of the men-at-arms, proposed instantly to charge the Scots, had nearly thrown away the advantage. March, however, instantly seized his horse's reins and stopt him. His eye had detected, at the first glance, the danger of Douglas's position; he knew from experience the strength of the long-bow of England; and, by his orders, the precedence was given to the archers, who, slowly advancing down the hill, poured their volleys as thick as hail upon the Scots, whilst, to use the words of an ancient manuscript chronicle, they were so closely wedged together, that a breath of air could scarcely penetrate their files, making it impossible for them to wield their weapons. The effects of this were dreadful, for the cloth-yard shafts of England pierced with ease the light armour of the Scots, few of whom were defended by more than a steel cap and a thin jack, or breast-plate, whilst many wore nothing more than the leather acton, or quilted coat, which afforded a feeble defence against such deadly missiles. Even the better-tempered armour of the knights was found utterly unequal to resistance, when, owing to the gradual advance of their phalanx, the archers took a nearer and more level aim, whilst the Scottish bowmen drew a wavering and uncertain bow, and did little execution.<sup>1</sup> Numbers of the bravest barons and gentlemen were mortally wounded, and fell down on the spot where they were first drawn up, without the

<sup>1</sup> Walsingham, p. 366. Otterburn, p. 237. Fordun and Winton do not even mention the Scottish archers.

possibility of reaching the enemy; the horses, goaded and maddened by the increasing showers of arrows, reared and plunged, and became altogether unmanageable; whilst the dense masses of the spearmen and naked Galwegians presented the appearance of a huge hedgehog, (I use the expression of a contemporary historian,) bristled over with a thousand shafts, whose feathers were red with blood. This state of things could not long continue. "My friends," exclaimed Sir John Swinton, "why stand we here to be slain like deer, and marked down by the enemy? Where is our wonted courage? Are we to be still, and have our hands nailed to our lances? Follow me and let us at least sell our lives as dearly as we can."<sup>1</sup>

Saying this, he couched his spear, and prepared to gallop down the hill; but his career was for a moment interrupted by a singular event. Sir Adam de Gordon, with whom Swinton had long been at deadly feud, threw himself from his horse, and, kneeling at his feet, begged his forgiveness, and the honour of being knighted by so brave a leader. Swinton instantly consented; and, after giving him the accolade, tenderly embraced him. The two warriors then remounted, and at the head of their followers, forming a body of a hundred horse, made a desperate attack upon the English, which, had it been followed by a simultaneous charge of the great body of the Scots, might still have retrieved the fortune of the day. But such was now the confusion of the Scottish lines, that Swinton and Gordon were slain, and their men struck down or dispersed, before the Earl of Douglas could advance to support them; and when he did so, the English archers, keeping their ranks, fell back upon the cavalry, pouring in

<sup>1</sup> Fordun a Goodal, vol. ii. p. 434. Winton, vol. ii. p. 401.

volley after volley, as they slowly retreated, and completing the discomfiture of the Scots by an appalling carnage. If we may believe Walsingham, the armour worn by the Earl of Douglas on this fatal day was of the most exquisite workmanship and temper, and cost the artisan who made it three years' labour; yet he was wounded in five places, and made prisoner, along with Lord Murdoch Stewart, and the Earls of Moray and Angus. In a short time the Scottish army was utterly routed; and the archers, to whom the whole honour of the day belonged, rushing in with their knives and short swords, made prisoners of almost every person of rank or station.

The number of the slain, however, was very great; and multitudes of the fugitives—it is said nearly fifteen hundred—were drowned in an attempt to ford the Tweed. Amongst those who fell, besides Swinton and Gordon, were Sir John Levingston of Calendar, Sir Alexander Ramsay of Dalhousie, Sir Roger Gordon, Sir Walter Scott, and Sir Walter Sinclair, with many other knights and esquires, whose followers mostly perished with their masters. Besides the leaders, Douglas and Lord Murdoch, eighty knights were taken prisoners, and a crowd of esquires and pages, whose names and numbers are not ascertained. Among the first were three French knights, Sir Piers de Essars, Sir James de Helsey, and Sir John Darni;<sup>1</sup> Sir Robert Erskine of Alva, Lord Montgomery, Sir James Douglas master of Dalkeith, Sir William Abernethy of Salton, Sir John Stewart of Lorn, Sir John Seton, Sir George Lesley of Rothes, Sir Adam Forester of Corstorphine, Sir Walter Bickerton of Luffness, Sir Robert Stewart of Durisdeer, Sir William Sinclair of

<sup>1</sup> Walsingham, pp. 407, 408. Otterburn, pp. 236, 7, 8.

Hermundston, Sir Alexander Home of Douglas, Sir Patrick Dunbar of Bele, Sir Robert Logan of Restalrig, Sir Lawrence Ramsay, Sir Helias Kinmont, Sir John Ker, and Fergus Macdowall of Galloway, with many others whose names have not been ascertained.<sup>1</sup>

The fatal result of this day completely proved the dreadful power of the English bowmen; for there is not a doubt that the battle was gained by the archers. Walsingham even goes so far as to say, that neither earl, knight, nor squire, ever handled their weapons, or came into action, but remained idle spectators of the total destruction of the Scottish host; nor does there seem any good reason to question the correctness of this fact, although, after the Scots were broken, the English knights and horsemen joined in the pursuit. It was in every way a most decisive and bloody defeat, occasioned by the military incapacity of Douglas, whose pride was probably too great to take advice, and his judgment and experience in war too confined to render it unnecessary. Hotspur might now rejoice that the shame of Otterburn was effectually defaced; and March, if he could be so base as to enjoy the triumph, must have been amply satiated with revenge: for his rival, Douglas, was defeated, cruelly wounded, and a captive.<sup>2</sup>

The battle was fought on the day of the Exaltation of the Holy Cross, being the 14th September, in the year 1402; and the moment that the news of the defeat was carried to Westminster, the King of England directed his letters to the Earl of Northumberland, with his son Henry Percy, and also to the Earl of March, commanding them, for certain urgent

<sup>1</sup> Fordun & Goodal, vol. ii. pp. 434, 435.

<sup>2</sup> Ibid. vol. ii. pp. 434, 435. Rymer, *Fœdera*, vol. ix. p. 26. Walsingham, p. 366. *Extracta ex Chronicis Scotiæ*, MS. p. 250.

causes, not to admit to ransom any of their Scottish prisoners, of whatever rank or station, or to suffer them to be at liberty under any parole or pretext, until they should receive further instructions upon the subject. To this order, which was highly displeasing to the pride of the Percies, as it went to deprive them of an acknowledged feudal right which belonged to the simplest esquire, the monarch subjoined his pious thanks to God for so signal a victory, and to his faithful barons for their bravery and success; but he commanded them to notify his orders regarding the prisoners to all who had fought at Homildon, concluding with an assurance, that he had no intention of ultimately depriving any of his liege subjects of their undoubted rights in the persons and property of their prisoners; a declaration which would not be readily believed.<sup>1</sup> If Henry thus defeated the objects which the victory might have secured him, by his precipitancy and imprudence, Hotspur stained it by an act of cruelty and injustice. Teviotdale, it may perhaps be remembered, after having remained in the partial possession of the English for a long period, under Edward the Third, had at last been entirely wrested from them by the bravery of the Douglasses; and as the Percies had obtained large grants of land in this district, upon which many fierce contests had taken place, their final expulsion from the country they called their own was peculiarly irritating. It happened, that amongst the prisoners was Sir William Stewart of Forrest, a knight of Teviotdale, who was a boy at the time the district "was Anglicised," and, like many others, had been compelled to embrace a virtual allegiance to England, by a necessity which he had neither the power nor the understanding to

<sup>1</sup> Rymer, *Fœdera*, vol. viii. p. 278.



resist. On the miserable pretence that he had forfeited his allegiance, Hotspur accused him of treason, and had him tried by a jury; but the case was so palpably absurd and tyrannical, that he was acquitted. Percy, in great wrath, impannelled a second jury, and a second verdict of acquittal showed their sense and firmness; but the fierce obstinacy of feudal revenge was not to be so baffled, and these were not the days when the laws could check its violence. A third jury was summoned, packed, and overawed, and their sentence condemned Sir William Stewart to the cruel and complicated death of a traitor. It was instantly executed; and his quarters, with those of his squire, Thomas Ker, who suffered along with him, were placed on the gates of York; the same gates upon which, within a year, were exposed the mangled remains of Percy himself.<sup>1</sup> The avidity with which Hotspur seems to have thirsted for the blood of this unhappy youth, is only to be accounted for on the supposition of some deadly feud between the families; for on no other occasion did this celebrated soldier show himself naturally cruel, or unnecessarily severe.<sup>2</sup>

The events which followed the defeat of the Scots at Homildon are of an interesting nature, and merit particular attention. Not long after the victory, the Percies began to organize that celebrated conspiracy against Henry the Fourth, the monarch whom their own hands had placed on the throne, which ended in the battle of Shrewsbury, and the defeat and death of Hotspur; but as the plot was yet in its infancy, an immediate invasion of Scotland was made the pretext for assembling an army, and disarming suspicion;

<sup>1</sup> Winton, vol. ii. p. 403.

<sup>2</sup> Fordun a Hearne, pp. 1150, 1151.

whilst Percy, in conjunction with the Earl of March, talked boldly of reducing the whole of the country as far as the Scottish sea.<sup>1</sup> It is probable, indeed, that previous to this, the defeat at Homildon had been followed by the temporary occupation of the immense border estates of the Earl of Douglas by the Earl of Northumberland; as, in a grant of the earldom of Douglas, which was about this time made to Northumberland by the King of England, the districts of Eskdale and Liddesdale, with the forest of Ettrick and the lordship of Selkirk, are noticed as being in the hands of the Percies; but so numerous were the vicissitudes of war in these border districts, that it is difficult to ascertain who possessed them with precision;<sup>2</sup> and it is certain, that the recovery of the country by the Scots was almost simultaneous with its occupation. In the meantime, the combined army of March and the Percies took its progress towards Scotland; and commenced the siege of the tower of Cocklaws, commanded by John Greenlaw, a simple esquire,<sup>3</sup> and situated on the borders. The spectacle of a powerful army, commanded by the best soldier in England, proceeding to besiege a paltry march tower, might have been sufficient to convince Henry, that the real object of the Percies was not the invasion of Scotland; and their subsequent proceedings must have confirmed this opinion. Assaulted by the archers, and battered by the trebuchets and mangonels, the little tower of Cocklaws not only held its ground, but its master, assuming the air of the governor of a for-

<sup>1</sup> The Firth of Forth usually went by this name.

<sup>2</sup> *Rotuli Scotiæ*, vol. ii. p. 163.

<sup>3</sup> *Ibid.* vol. ii. p. 172. It appears by a MS. letter of the Earl of Northumberland, that on 30th May, he and his son had indentures for the delivery of *Ormiston* Castle on the 1st of August, if not delivered by battle. Pinkerton's History, vol. i. p. 77.

tress, entered into a treaty with Hotspur, by which he promised to surrender at the end of six weeks, if not relieved by the King of Scotland, or Albany the governor.<sup>1</sup> A messenger was despatched to Scotland with the avowed purpose of communicating this agreement to Albany, but whose real design was evidently to induce him to become a party to the conspiracy against Henry, and to support the Percies, by an immediate invasion of England. Nor was the mission unsuccessful; for Albany, anxious to avenge the loss sustained at Homildon, and irritated by the captivity of his eldest son, at once consented to the proposal, and assembled a numerous army, with which he prepared to enter England in person.<sup>2</sup> In the meantime, the Earl of Douglas, Sir Robert Stewart of Durisdeer, and the greater part of the barons and men-at-arms who were made prisoners at Homildon, eagerly entered into the conspiracy, and joined the insurgents with a large force; but the Earl of March continued faithful to the King of England, actuated more, perhaps, by his mortal enmity to the Douglasses, than by any great affection for Henry. Another alarming branch of the rebellion was in Wales, where Owen Glendower had raised an army of ten thousand men; and besides this, many of the English barons had entered into a correspondence with Percy, and bound themselves to join him with their power, although at the last most deserted him, and thus escaped his ruin.

All things being thus prepared, Henry Percy and the Earl of Douglas at once broke off the prosecution of their Scottish expedition; and, having joined the Earl of Worcester, began their march towards Wales, giving out at first that it was their design to assist the

<sup>1</sup> Fordun a Goodal, vol. ii. pp. 435, 436.

<sup>2</sup> Ibid. vol. ii. p. 436.

king in putting down the rebel Glendower. Henry, however, was no longer to be deceived; and the representations of the Earl of March convinced him of the complicated dangers with which he was surrounded. It was his design to have delayed proceeding against the insurgents, until he had assembled such an overwhelming force as he thought gave a certainty of victory; but the Scottish earl vehemently opposed all procrastination, maintaining the extreme importance of giving battle to Percy before he had formed a junction with Glendower; and the king, following his advice, pushed on by forced marches, and entered Shrewsbury at the moment that the advance of Percy and Douglas could be seen marching forward to occupy the same city. On being anticipated by their opponent, they retired, and encamped at Hartfield, within a mile of the town. Henry immediately drew out his army by the east gate; and after a vain attempt at treaty, which was broken off by Percy's uncle the Earl of Worcester, the banners advanced, cries of St George and Esperance, the mutual defiances of the king and Percy, rent the air; and the archers on both sides made a pitiful slaughter, even with the first discharge. As it continued, the ranks soon became encumbered with the dead, "who lay as thick," says Walsingham, "as leaves in autumn;" and the knights and men-at-arms getting impatient, Percy's advance, which was led by Douglas, and consisted principally of Scottish auxiliaries, made a desperate charge upon the king's party, and had almost broken their array, when it was restored by the extreme gallantry of Henry, and his son the Prince of Wales, afterwards Henry the Fifth. After this, the battle continued for three hours to be obstinately contested, English fighting against English, and Scots against Scots, with the utmost cruelty and

determination. It could not indeed be otherwise. The two armies were fourteen thousand strong on each side, and included the flower not only of the English chivalry, but of the English yeomen. Hotspur and Douglas were reckoned two of the bravest knights then living, and if defeated, could hope for no mercy; whilst Henry felt that, on his part, the battle must decide whether he was to continue a king, or to have the diadem torn from his brow, and be branded as a usurper. At one time he was in imminent danger; for Hotspur and Douglas, during the heat of the battle, coming opposite to the royal standard, made a desperate attempt to become masters of the person of the king; and had so nearly succeeded, that the Scottish earl slew Sir Walter Blunt the standard-bearer, struck down the Earl of Stafford, and had penetrated within a few yards of the spot where Henry stood, when the Earl of March rushed forward to his assistance, and prevailed on him not to hazard himself so far in advance. On another occasion, when unhorsed, he was rescued by the Prince of Wales, who this day gave promise of his future military genius; but with all his efforts, seconded by the most determined courage in his soldiers, the obstinate endurance of the Scots, and the unwearied gallantry and military skill of Hotspur were gradually gaining ground, when this brave leader, as he raised his visor for a moment to get air, was pierced through the brain by an arrow, and fell down dead on the spot. His fall, which was seen by both sides, seems to have at once turned the fortune of the day. The rebels were broken and dispersed, the Scots almost entirely cut to pieces, Sir Robert Stewart slain, and the Earl of Douglas once more a captive, and severely wounded.<sup>1</sup>

<sup>1</sup> Walsingham, pp. 368, 369.

In the meantime, whilst the rebellion of the Percies was thus successfully put down, Albany, the governor, assembled the whole strength of the kingdom, and at the head of an army of fifty thousand men advanced into England. His real object, as discovered by his subsequent conduct, was to second the insurrection of Hotspur; but, ignorant as yet that the rebellion had openly burst forth, he concealed his intention, and gave out to his soldiers that it was his intention to give battle to the Percies, and to raise the siege of Cocklaws.<sup>1</sup> On arriving before this little border strength, instead of finding Hotspur, he was met by the news of his entire defeat and death in the battle of Shrewsbury; and, after ordering a herald to proclaim this to the army, he at once quietly retired into Scotland. Discouraged by the inactivity of the Welsh, by the death of Percy, the captivity of Douglas, and the submission of the Earl of Northumberland, Albany judiciously determined that this was not the most favourable crisis to attack the usurper, and, for the present, resumed a pacific line of policy. In their account of the rebellion of the Percies, and the expedition of Albany, our ancient Scottish historians exhibit a singular instance of credulity in describing the investing of the border fortalice by Hotspur, and the subsequent progress of Albany to raise the siege, as really and honestly engaged in by both parties; and it is difficult not to smile at the importance which the tower of Cocklaws and its governor assume in their narrative.

If Albany's government seemed destined to be inglorious in war, his civil administration was weak and vacillating, disgraced by the impunity, if not by the

<sup>1</sup> Fordun & Hearne, pp. 1158, 1159, 1160.

encouragement, of feudal tyranny and unlicensed oppression. Of this a striking instance occurred a little prior to the rebellion of the Percies. Sir Malcolm Drummond, brother to the late Queen of Scotland, had married Isabella countess of Mar in her own right, whose estates were amongst the richest in Scotland. When resident in his own castle, this baron was attacked by a band of armed ruffians, overpowered, and cast into a dungeon, where the barbarous treatment he experienced ended in his speedy death. The suspicion of this lawless act rested on Alexander Stewart, a natural son of the Earl of Buchan, brother to the king, who emulated the ferocity of his father, and became notorious for his wild and unlicensed life. This chief, soon after the death of Drummond, appeared before the strong castle of Kildrummie, the residence of the widowed countess, with an army of *ketherans*, stormed it in the face of every resistance, and, whether by persuasion or by violence is not certain, obtained her in marriage. To murder the husband, to marry the widow, and carry off the inheritance from her children, were deeds which, even under the misgovernment of Albany, excited the horror of the people, and called loudly for redress; but before this could be obtained, an extraordinary scene was acted at Kildrummie. Stewart presented himself at the outer gate of the castle, and there, in presence of the Bishop of Ross and the assembled tenantry and vassals, was met by the Countess of Mar, upon which, with much feudal pomp and solemnity, he surrendered the keys of the castle into her hands, declaring that he did so freely and with a good heart, to be disposed of as she pleased. The lady, then, who seems to have forgotten the rugged nature of the courtship, holding the keys in her hands, declared that she freely chose

Alexander Stewart for her lord and husband, and that she conferred on him the earldom of Mar, the castle of Kildrummie, and all other lands which she inherited. The whole proceedings were closed by solemn instruments or charters being taken on the spot; and this remarkable transaction, exhibiting in its commencement and termination so singular a mixture of the ferocity of feudal manners and the formality of feudal law, was legalized and confirmed by a charter of the king, which ratified the concession of the countess, and permitted Stewart to assume the titles of Earl of Mar, and Lord of Garvyach.<sup>1</sup> Yet he who was murdered to make way for this extraordinary intrusion of the son of Buchan, was the king's brother-in-law; and there seems to have been little doubt that the successful wooer, and the assassin of Drummond, were one and the same person. Nothing could give us a more striking proof of the pusillanimity of the sovereign, the weakness of the law, and the gross partialities of Albany.

The unquiet and suspicious times of Henry the Fourth, whose reign was marked by an almost uninterrupted succession of conspiracies, rendered it an object of great moment with him to keep at peace with Scotland; and it was evidently the interest of that kingdom to cultivate an amicable relation with England. Its present danger consisted not so much in any fears of invasion, or any serious attempts at conquest, as in the dread of civil commotion and domestic tyranny under the partial administration of Albany. The murder of the Duke of Rothesay, and the impunity permitted to the worst crimes committed

<sup>1</sup> Sutherland Case, by Lord Hailes, chap. v. p. 43. Winton, vol. ii. p. 404.



by the nobles, clearly proved that the governor would feel no scruples in removing any further impediment which stood in the way of his ambition ; and that he looked for indulgence from the favour with which he treated similar crimes and excesses in the barons who composed his court, and with whom he was ready to share the spoils or the honours which he had wrested from their legitimate possessors.

Under a government like this, the king became a mere shadow. Impelled by his natural disposition, which was pacific and contemplative, he had at first courted retirement, and willingly resigned much of the management of the state to his brother ; and now that the murder of Rothesay had roused his paternal anxieties, that the murmurs of the people loudly accused his brother of so dreadful a crime, and branded him as the abettor of all the disorders which distracted the country, he felt, yet dreaded, the necessity of interference ; and while he trembled for the safety of his only remaining son, he found himself unequal to the task of instituting proper measures for his security, or of reassuming, in the midst of age and infirmities, those toils of government, to which, even in his younger years, he had experienced an aversion. But although the unfortunate monarch, thus surrounded with difficulties, found little help in his own energy or resources, friends were still left who pitied his condition, and felt a just indignation at the successful tyranny of the governor. Of these, the principal was Henry Wardlaw bishop of St Andrews, a loyal and generous prelate, nephew to the Cardinal Wardlaw, and, like him, distinguished for his eminence as a scholar, and his devotion to literature. To his charge was committed the heir of the throne, James earl of Carrick, then a boy in his fourteenth year, who was educated in the

castle of St Andrews, under the immediate eye of the prelate, in the learning and accomplishments befitting his high rank, and already promising abilities.

In the meantime, the captivity of so many of the nobles and gentry, who had been recently taken at Nesbit Moor, and in the battles of Homildon Hill and Shrewsbury, had a manifest effect in quieting Scotland, encouraging its pacific relations, and increasing its commercial enterprise. The years which succeeded these fatal conflicts, were occupied with numerous expeditions of the Scottish captives, who, under the safe-conducts of Henry, travelled into their own country, and returned either with money, or with cargoes of wool, fish, or live stock, with which they discharged their ransom and procured their liberty.<sup>1</sup> The negotiations also, concerning the ransom of Murdoch the son of Albany, the Earl of Douglas, and other eminent prisoners, promoted a constant intercourse; whilst the poverty of Scotland in its agricultural produce, is seen in the circumstance, that any English captives are generally redeemed in grain, and not in money. Some Norfolk fishermen, who had probably been pursuing their occupation upon the Scottish coast, having been captured and imprisoned, Henry permitted two mariners of Lynne to carry six hundred quarters of grain into Scotland for their redemption; and at the same time granted a licence to an Irish merchant to import corn, flour, and other victuals and merchandise, into that country, during the continuance of the truce.<sup>2</sup> Upon the whole, the commercial intercourse between the two countries appears to have been prosecuted with great activity, although interrupted at sea by the lawless attacks of the English

<sup>1</sup> *Rotuli Scotiæ*, vol. ii. pp. 164, 166, 167, 172, 173, 177.    <sup>2</sup> *Ibid.* p. 172.

cruisers,<sup>1</sup> and checked by the depredations of the borderers, and broken men of both nations.

One cause, however, for jealousy and dissatisfaction upon the part of Henry still remained, in the perpetual reports which proceeded from Scotland, with regard to Richard the Second being still alive in that country, where, it was said, he continued to be treated with kindness and distinction. That these assertions, as to the reappearance of the dethroned monarch, long after his reputed death, had some foundation in truth, there seems reason to believe;<sup>2</sup> but, whether true or not, it was no unwise policy in Albany to abstain from giving any public contradiction to the rumour, and at times even to encourage it, as in this manner he essentially weakened the government of Henry; and, by affording him full employment at home, rendered it difficult for him to engage in any schemes for the annoyance of his neighbours.

In 1404, a gentleman named Serle, who had formerly been of Richard's bedchamber, repaired secretly to Scotland, and, on his return, positively affirmed that he had seen the king. The old countess of Oxford, mother to Robert de Vere duke of Ireland, the favourite of Richard, eagerly gave credit to the story; and, by the production of letters, and the present of little silver harts, the gifts which the late king had been fond of distributing amongst his favourites, she had already contrived to persuade many persons to credit the report, when her practices were discovered, and the execution and confession of Serle put an end to the rumour for the present. It was asserted that

<sup>1</sup> *Fœdera*, vol. viii. pp. 411, 420, 450; and *MS. Bibl. Cot. F. vii. No. 22, 89, 116, 117, 118*, quoted in *M'Pherson's Annals of Commerce*, vol. i. p. 615.

<sup>2</sup> See *Remarks on the Death of Richard the Second*, at the end of the volume.

Serle had actually been introduced, when in Scotland, to a person whom he declared to bear so exact a resemblance to Richard the Second, that it was not astonishing many should be deceived by it; and it was evident, that if Albany had not lent himself in any open manner to encourage, he had not, on the other hand, adopted any means to expose or detect the alleged impostor.<sup>1</sup>

But this plot of Serle and the Countess of Oxford was followed by a conspiracy of greater moment, in which Scotland was deeply concerned, yet whose ramifications, owing to the extreme care with which all written evidence, in such circumstances, was generally concealed or destroyed, were extremely difficult to be detected. Its principal authors appear to have been the Earl of Northumberland the father of Hotspur, Scrope the archbishop of York, whose brother Henry had beheaded, and the earl marshal of England, with the Lords Hastings, Bardolf, and Faulconbridge; but it is certain that they received the cordial concurrence of some party in the Scottish state, as Northumberland engaged to meet them at the general rendezvous at York, not only with his own followers, but with a large reinforcement of Scottish soldiers, and it was calculated that they would be able to take the field with an army of twenty thousand men.<sup>2</sup> Besides this, they had engaged in a correspondence with the French king, who promised to despatch an expedition, which, at the moment they took up arms in England, was to make a descent on Wales, where Owen Glendower, the fierce and indefatigable opponent of Henry, had promised to join them; and this formidable opposition was to be

<sup>1</sup> Walsingham, p. 371.

<sup>2</sup> Hall's Chronicle, p. 35. Edition 1809. London, 4to. Hardyng's Chronicle, p. 362. Edition 1812. London, 4to.

further strengthened by a simultaneous invasion of the Scots.

Northumberland's intentions in this conspiracy are very clearly declared, in an intercepted letter, which he addressed to the Duke of Orleans, and which is preserved in the Parliamentary Rolls. "I have embraced," says he, "a firm purpose, with the assistance of God, with your aid, and that of my allies, to sustain the just quarrel of my sovereign lord King Richard, if he is alive; and, if he is dead, to avenge his death; and, moreover, to sustain the right and quarrel, which my redoubted lady the Queen of England, your niece, may have to the kingdom of England; for which purpose I have declared war against Henry of Lancaster, at present Regent of England."<sup>1</sup>

A rebellion, so ably planned that it seemed almost impossible that it should not succeed, and hurl Henry from the throne, was ruined by the credulity of the earl marshal and the archbishop, who became the victims of an adherent of the king's, Neville earl of Westmoreland. This nobleman, who had received intelligence of the plot, artfully represented himself as warmly interested in its success; and, having prevailed upon Scrope and Mowbray to meet him in a private conference, seized them both as they sat at his table, and hurried them to the king at Pontefract, by whose orders they were instantly beheaded. Northumberland, however, with his little grandson Henry Percy, and the Lord Bardolf, had the good fortune to escape into Scotland, where they were courteously received by Albany.

In this country, notwithstanding his advanced age and frequent failures, Percy continued to organize an opposition to the government of Henry; visiting, for this purpose, the court of France, and the Flemish

<sup>1</sup> Rolls of Parliament, vol. iii. p. 605. The original is in French.

States, and returning to stimulate the exertions of his Scottish friends. Although unsuccessful in his continental negotiations, it is evident, from the orders issued by Henry for the immediate array of the fighting men in the counties of York and Lancaster, as well as in Derby, Lincoln, and Nottingham, that Albany had been induced to assemble an army, and that the king had received intelligence of an intended invasion by the Scots, to be led, as the king expresses it, "by his common adversary, Robert duke of Albany, the pretended governor of Scotland."<sup>1</sup> Previous, however, to any such expedition, an event took place which effectually altered the relations between the governor and the English monarch, and introduced material changes into the state of the different parties in Scotland.

The continuance of his own power, and the adoption of every means by which the authority of the king, or the respect and affection due to the royal family, could be weakened or destroyed, was the principle of Albany's government: a principle which, although sometimes artfully concealed, was never for a moment forgotten by this crafty statesman. In his designs he had been all along supported by the Douglasses, a family whom he attached to his interest by an ample share in the spoils with which his lawless government enabled him to gratify his creatures. Archibald earl of Douglas, the head of the house, we have seen become his partner in the murder of the Duke of Rothesay, and rewarded by the possession of the immense estates of the Earl of March, a baron, next to Douglas, the most powerful of the Scottish aristocracy, but compelled, by the affront put upon his daughter, to become a fugitive in England, and a dependant upon the bounty of a foreign prince.

<sup>1</sup> Rymer, *Fœdera*, vol. viii. p. 414.

The battle of Homildon Hill made Douglas a captive; whilst many of his most powerful adherents shared his fate: and Albany, deprived of the countenance of his steadiest supporters, found the friends of the old king gradually gaining ground. A natural jealousy of the designs of the governor, against a youth who formed the only impediment between his own family and the succession to the crown, induced these persons to adopt measures for the security of the Earl of Carrick, now an only son. It was with this view that they had placed him under the charge of the Bishop of St Andrews, a man of uncorrupted honour and integrity; and whilst the studies of the young prince were carefully conducted by this prelate, whose devotion to literature well fitted him for the task, the presence of the warlike Earl of Northumberland, who, with his grandson, young Henry Percy, had found an asylum in the castle of the bishop, was of great service to the young prince in his chivalrous exercises. It was soon seen, however, that, with all these advantages, Scotland was then no fit place for the residence of the youthful heir to the throne. The intrigues of Albany, and the unsettled state of the country, filled the bosom of the timid monarch with constant alarm. He became anxious to remove him for a season from Scotland; and as France was at this time considered the best school in Europe for the education of a youth of his high rank, it was resolved to send the prince thither, under the care of the Earl of Orkney,<sup>1</sup> and Sir David Fleming of Cumbernauld, an intimate friend and adherent of the exiled Earl of Northumberland.

At this crisis, a secret negotiation took place between the English monarch and the Duke of Albany,

<sup>1</sup> Rymer, *Fœdera*, vol. viii. p. 415.

regarding the delivery of Northumberland and Lord Bardolph; and it appears that the party of the governor and the Douglasses had embraced the treacherous plan of sacrificing the lives of two unfortunate exiles, who had found an asylum in Scotland, to procure in return the liberty of Murdoch, the son of the governor, the Earl of Douglas, and other captives who had been taken at Homildon. A baser project could not well be imagined; but it was accidentally discovered by Percy's friend, David Fleming, who instantly revealed it to the exiled noblemen, and advised them to consult their safety by flight.

This conduct of Albany, which afforded a new light into the treachery of his character, accelerated the preparations for the young prince's departure; and all being at length ready, the Earl of Carrick, then a boy in his fourteenth year, took his progress through Lothian to North Berwick, accompanied by the Earl of Orkney, Fleming of Cumbernauld, the Lords of Dirleton and Hermandston, and a strong party of the barons of Lothian. The ship which was to convey him to France lay at the Bass; and having embarked along with the Earl of Orkney and a small personal suite, they set sail with a fair wind, and under no apprehensions for their safety, as the truce between England and Scotland was not yet expired, and the only vessels they were likely to meet were English cruisers. But the result showed how little was to be trusted to the faith of truces, or to the honour of kings; for the prince had not been a few days at sea, when he was captured off Flamborough Head, by an armed merchantman belonging to the port of Wye, and carried to London, where the king instantly committed him and his attendants to the Tower.<sup>1</sup>

<sup>1</sup> Walsingham, p. 375. Winton, vol. ii. pp. 415, 416.



In vain did the guardians of the young prince remonstrate against this cruelty, or present to Henry a letter from the king his father, which, with much simplicity, recommended him to the kindness of the English monarch, should he find it necessary to land in his dominions. In vain did they represent that the mission to France was perfectly pacific, and its only object the education of the prince at the French court. Henry merely answered by a poor witticism, declaring that he himself knew the French language indifferently well, and that his father could not have sent him to a better master.<sup>1</sup> So flagrant a breach of the law of nations as the seizure and imprisonment of the heir-apparent during the time of truce, would have called for the most violent remonstrances from any government except that of Albany. But to this usurper of the supreme power the capture of the prince was the most grateful event which could have happened; and to detain him in captivity became, from this moment, one of the principal objects of his future life: we are not to wonder, then, that the conduct of Henry not only drew forth no indignation from the governor, but was not even followed by any request that the prince should be restored to liberty.

Whilst Albany's satisfaction was great at this unfortunate event, his indignation, and that of the Douglas, at the conduct of Sir David Fleming, in attempting to convey the heir-apparent to a place of safety, and in facilitating the escape of Northumberland, was proportionably fierce and unforgiving; nor was it quenched until they had taken a bloody revenge. At the moor of Lang-Hermandston, the party which had accompanied the prince to North Berwick were

<sup>1</sup> Walsingham, p. 375. *Extracta ex Chronicis Scotiæ*, p. 253.

attacked by James Douglas of Abercorn, second son of the Earl of Douglas, and Alexander Seton, where, after a fierce conflict, Fleming was slain, and the most of the barons who accompanied him made prisoners. A procession, which passed next day through Edinburgh, conveying to Holyrood the body of this noble knight, who was celebrated for his courage, tenderness, and fidelity, excited much commiseration; but the populace did not dare to rise against the Douglasses, and Albany openly protected them. Those bitter feelings of wrath, and desires of revenge, which so cruel an attack excited, now broke out into interminable feuds and jealousies, and, ramifying throughout the whole line of the vassals of these two powerful families, continued for many years to agitate the minds of the people, and disturb the tranquillity of the country.<sup>1</sup>

The aged king, already worn out by infirmity, and now broken by disappointment and sorrow, did not long survive the captivity of his son. It is said, the melancholy news were brought him as he was sitting down to supper in his palace of Rothesay in Bute: and that the effect was such upon his affectionate but feeble spirit, that he drooped from that day forward, refused all sustenance, and died soon after of a broken heart. His death took place on the 4th of April, 1406, in the sixteenth year of his reign; and Albany, his brother, immediately succeeded to the prize which had so long been the paramount object of his ambition, by becoming the unfettered governor of Scotland. The character of this monarch requires little additional development. It was of that sweet, pacific, and indolent nature which unfitted him to subdue the pride, or overawe and control the fierce passions and resentments of his barons;

<sup>1</sup> Winton, vol. ii. p. 413. Fordun a Goodal, vol. ii. p. 439. Extracta ex Chronicis Scotiæ, p. 153.

and although the generosity and affectionate feelings of his heart inclined him, on every occasion, to be the friend of the poorer classes of his subjects, yet energy and courage were wanting to make these good wishes effectual; and it might almost be said, that in the dread of making any one his enemy, he made no one his friend. All the virtues of domestic life he possessed in a high degree; but these, as well as his devotion to intellectual accomplishments, were thrown away upon the rude times in which he lived. His wisdom, which was far before his age, saw clearly that the greatest blessing which could be conferred upon the country was peace; but it required firmness, and almost violence, to carry these convictions into the active management of the government, and these were qualities which Robert could not command. Had he been born in the rank of a subject, he would have been among the best and wisest men in his dominions; but as a king, his timidity and irresolution rendered all his virtues of none avail, and permitted the government to fall into the hands of an usurper, who systematically abused his power for the purposes of his own aggrandizement.

In person, Robert was tall, and of a princely presence; his countenance was somewhat florid, but pleasing and animated; whilst a beard of great length, and silvery whiteness, flowed down his breast, and gave a look of sanctity to his appearance. Humility, a deep conviction of the vanity of human grandeur, and aspirations for the happiness of a better world, were sentiments which he is said to have deeply felt, and frequently expressed; and nothing could prevail on him, in the custom of the age, and after the example of his father and grandfather, to provide a monument for himself. It is said, that his queen, Annabella,

remonstrated with him on this occasion, when he rebuked her for speaking like one of the foolish women: "You consider not," said he, "how little it becomes a wretched worm, and the vilest of sinners, to erect a proud tomb for his miserable remains: let them who delight in the honours of this world so employ themselves. As for me, cheerfully would I be buried in the meanest shed on earth, could I thus secure rest to my soul in the day of the Lord."<sup>1</sup> He was interred, however, in the Abbey church of Paisley, before the high altar.

It has hitherto been believed by our Scottish historians, that there were born to him only two sons, David duke of Rothesay, and James earl of Carrick, who succeeded him in the throne. It is certain, however, that the king had a third son, Robert, who probably died very young, but whose existence is proved by a record of unquestionable authority.<sup>2</sup>

<sup>1</sup> Fordun a Goodal, vol. ii. p. 440.

<sup>2</sup> Chamberlain Accounts, vol. ii. p. 231. "Et Dno David Comiti de Carrick percipienti pro se et heredibus suis de corpore suo legitime procreandis, quibus forte deficientibus, Roberto seneschallo fratri ipsius, et heredibus suis."

The ancient family of Ardgowan is directly descended from John Stewart of Auchingown, an illegitimate son of King Robert the Third. Crawford's History of Renfrewshire, pp. 58, 412, 415. To this family the ducal and protectorate house of Somerset became lately allied, by the marriage of the present Duke of Somerset to Margaret, eldest daughter of the late Sir Michael Shaw Stewart, baronet of Ardgowan. Why, it may be asked, does the author here mention these genealogical details into which he so seldom enters?—For this grateful reason: that he may acknowledge the repeated obligations which this history is under to the candid, but acute and able criticism of the Duke of Somerset; and that he may indulge a melancholy pleasure in inscribing in one of its pages the name of his dear and early friend, the late JOHN SHAW STEWART, Esq. sheriff of Stirling, an admirable man, cut off prematurely, in the midst of a career which promised to lead him to the highest honours of his profession.



**HISTORICAL REMARKS**  
**ON THE**  
**DEATH OF RICHARD THE SECOND.**



## HISTORICAL REMARKS

ON THE

### DEATH OF RICHARD THE SECOND.

---

It is generally known, that much obscurity hangs over the common stories relative to the death of Richard the Second, and that Henry the Fourth was greatly annoyed by reports of the captive king having escaped to Scotland; reports which he, of course, invariably treated as false, and which all our modern historians, both of England and of Scotland, have been disposed to consider fabulous: some contenting themselves with a brief notice, that an impostor appeared under the name of Richard the Second, and others passing over the circumstance altogether.

In investigating this obscure part of our history, it was lately my fortune to discover some very interesting evidence, which induced me to believe that there was much more truth in these reports than I was at first disposed to admit. This led to an examination of the whole proofs relative to Richard's disappearance and alleged death in England; and the result was, a strong conviction that the king actually did make his escape from Pontefract castle; that he succeeded in



conveying himself to Scotland, where he was discovered, detained, and supported, by Robert the Third and the Duke of Albany; and that he actually died in that country, long after his reputed murder in England. I am well aware that this is a startling proposition, too broadly in the face of long-established opinion to be admitted upon any evidence inferior almost to demonstration. It is quite possible, also, that there may exist, in the manuscript treasures of the public libraries of England or of France, absolute proof that Richard was murdered, or that he died in prison; and one great object of these observations will be attained, if they have the effect of directing the attention of the learned to the farther investigation of a subject still very obscure. In the meantime I trust I shall succeed in showing, that my hypothesis, as to Richard's escape, for it pretends to no higher name, is supported by a body of direct as well as of negative evidence, superior to that which could be adduced upon many other historical facts, the truth of which has not been questioned by the most fastidious and sceptical writers.

It is stated by Bower, or Bow-maker, the continuator of Fordun, and one of the most ancient and authentic of our early historians, that Richard the Second found means to escape from Pontefract castle; that he succeeded in conveying himself to the Scottish isles; and, travelling in disguise through those remote parts, was accidentally recognized and discovered, when sitting in the kitchen of Donald lord of the Isles, by a jester who had been educated at the court of the king. The same historian proceeds to say, that Donald of the Isles sent him, under the charge of Lord Montgomery, to Robert the Third, with whom, as long as the Scottish monarch lived, he was supported as became his rank; and that, after the death of this king, the royal

fugitive was delivered to the Duke of Albany, then governor of Scotland, by whom he was honourably treated; and he concludes this remarkable sentence, which I have given nearly in his own words, by affirming, that Richard at length died in the castle of Stirling and was buried in the church of the preaching friars, on the north side of the altar.<sup>1</sup>

In another part of his history, the same writer, in describing the devastations committed by Richard in his expedition into Scotland, alludes in equally positive terms, and almost in the same words, to his subsequent escape into that country, and his being discovered by Donald of the Isles;<sup>2</sup> and again, in the passage in which he mentions the death of Robert the Third, the same historian remarks, that about this time many persons fled out of England from the face of Henry the Fourth, and came to King Richard in Scotland; amongst whom were Henry Percy the elder, with his grandson, Henry Percy the younger, who had come a little before this, and being of the same age with James the First, had been brought up with him in

<sup>1</sup> Fordun a Goodal, vol. ii. p. 427. "Isto modo rex Ricardus fuit regno privatus et perpetuis carceribus, cito deficiendus deputatus; sed subtiliter abinde ereptus, et ad insulas Scotiæ transvectus, et in coquina Dovenaldi domini Insularum, a quodam fatuo qui in curia Regis Ricardi dum floreret, educatus fuerat cognitus et repertus, et a dicto domino Insularum ad Regem Scotiæ Robertum Tertium per Dominum de Monte-Gomorri transmissus, cum quo dum Rex Scotiæ vixerat reverenter, ut decuit, procuratus, et post mortem regis Duci Albanie gubernatori Scotiæ presentatus; cum quo regifice quoad statum honoratus, tandem in castro de Strivelyn mortuus, et in ecclesia fratrum ejusdem ad aquilonare altaris cornu ejusdem tumultatus." — "Hic Ricardus fuit filius Edwardi principis Walliæ, filii Eduardi Windesor, qui rexit annis viginti duobus; mortuus sine liberis."

<sup>2</sup> Fordun a Goodal, vol. ii. p. 402. "Unde ad id deventum est, ut ipse idem Rex Ricardus II. qui olim in florenti majestate sua, stipatus, turmis militum, et multitudine clientum, Salomoni magno in expensis æquiparabatur, tandem carceres evadens, insulas Scotiæ petens, cognitus est a quodam fatuo, qui in sua curia ante hoc educatus fuerat, et inventus in culina, tanquam vilis elixa, Dovenaldi domini Insularum."

the castle of St Andrews. At the same time, he continues, there came also the Lord Bardolph, two Welsh prelates, the bishops of St Asaph and of Bangor, the abbot of Welbeck, and other honourable persons; but, he adds, King Richard would in nowise be persuaded, either by the governor, or by any other persons, to have a private interview with the Earl of Northumberland.<sup>1</sup> Lastly, under the events of the year 1419, the historian has this brief entry: "In this year died Richard king of England, on the Feast of St Luke, in the castle of Stirling."<sup>2</sup> These passages are sufficiently direct and positive: and in estimating the weight to which they are entitled, it must be remembered that Bower states them upon his own knowledge; that he was a contemporary engaged in the collection of materials for his history at the period in question; and that, from his rank in the church, from his employment in responsible offices of state, and his connexion with those best able to give him information upon this subject, his evidence is of an unexceptionable kind. It is indeed true, that in the remote annals of the country, he may be convicted of error; but with regard to events falling within the range of his own personal observation, Bower is entitled to high credit; and he assuredly does not throw out the slightest suspicion as to the identity of the king.

<sup>1</sup> Fordun a Goodal, vol. ii. p. 441. "His diebus fugerunt multi de Anglia a facie regis Henrici IV. et in Scotiam ad regem Ricardum venerunt. Venit enim Henricus Percy, senior, cum nepote suo Henrico juniore qui paulo ante venerat et cum principe nostro Jacobo I. coævus in Castro Sancti Andreæ extiterat. Venitque tunc temporis, dominus de Bardolf, cum diversis honestis personis, et duo Episcopi Wallenses, viz. Dominus Griffinus Episcopus Bangorensis et alius episcopus, viz. Assavensis et Abbas de Welbeck. Quo in tempore rex Angliæ Ricardus non potuit induci, neque per gubernatorem nec alios quoscunque ad habendum familiare colloquium cum Comite Northumbriæ."

<sup>2</sup> Fordun a Goodal, vol. ii. p. 459.

But the credit due to this passage is much strengthened by the circumstance, that he is corroborated in the greater part, if not in the whole of his story, by another valuable original writer, Andrew Winton, whose testimony cannot be regarded as borrowed from Bower, as we know that his Chronicle was completed before the history of Bower was begun.<sup>1</sup> It is stated by this historian, in a passage of singular simplicity, of the contents of which I now give a literal transcript, "that after Richard's deposition by King Henry the Fourth, he was confined in the Tower of London; they then (says he) brought him to Pontefract, where he was delivered to two gentlemen of rank and reputation, named Swinburn and Waterton, who felt compassion for him, and spread a report of the king's death; after which there arose a rumour that King Richard was still alive." Winton then proceeds to say, "that he will tell how this report arose, as he heard, although he possesses no information as to the manner in which the king effected his escape from Pontefract: But," says he, "at this time a poor traveller appeared in the *Oute Isles* of Scotland; and it happened that he was met by a lady, of the family of Bisset, a daughter of an Irish lord, who was wedded to the brother of the Lord of the Isles. She had before seen the king in Ireland, and she immediately

<sup>1</sup> Winton, by Macpherson, preface, p. 22. "It was at his request (Sir John of the Wemyss) that he undertook his Chronicle, 1 Prolog. 54, which was finished between the third of September, 1420, and the return of King James from England in 1424, as appears by Robert duke of Albany being mentioned as dead, and the prayer for the prosperity of his children, ix. xxvi. 51." — "Bower was born in 1385. In 1403, when eighteen years old, he put on the habit; he afterwards completed his theological studies at Paris; and having returned to Scotland, was elected Abbot of Inchcolm in 1418. After this, he was employed in various offices of trust under the government; and at length, in 1441, began his continuation of Fordun, whose Collectanea he had in his possession." — Goodal's Preface to Fordun, p. 3.

declared to her husband, that this traveller was King Richard; upon which he called him, and inquired whether this was true; but he denied it, and would not allow that it was so. However," continues Winton, "they sent this person to the Lord Montgomery in haste, and afterwards he was kept by Robert king of Scotland; then he was held for some time by the Lord of Cumbernauld; and lastly delivered to the Duke of Albany, who kept him for a long time after this." The historian then concludes his notice of this mysterious person by the following observation:—"Whether he had been the king or not, there were few who knew for certain. He was little inclined to devotion, and seldom showed a desire to hear mass; from the manner in which he conducted himself, it seemed likely that he was half mad or wild."<sup>1</sup> Such is almost a literal translation of Winton's testimony, who was Prior of Lochleven at the time of Richard's appear-

<sup>1</sup> After describing Richard's deposition, Winton thus proceeds—vol. ii. pp. 387, 388, 389:—

Wythoutyn dout the court wes hard  
 Wyth this forsaide King Richard,  
 For in the Toure of Londone synne  
 Haldyne he wes a quhile in pyne:  
 And eftyr that on purpos set  
 Thai brocht hym north on til Powmfret;  
 Thare wes he delyverit then  
 Tyl twa wele trowit famous men,  
 Swynburn and Wattyrtoun,  
 Men of gud reputacioun;  
 Thare he bade, and wes hard stade,  
 Gret pite of hym thir gud men had,  
 The word in Yngland thal gert spred  
 That this Richard king wes dede,  
 Bot eftyr that thare ras tithand,  
 That this King Richard wes livand.  
 And quhon that rais, I will tel here  
 As I hard thare-of the manere.  
 Bot I can nocht tell the case  
 Off Powmfret as he chapit wase.  
 Bot in the Owt-Ilys of Scotland than  
 Thare wes traveland a pure man,  
 A Lordis douchtyr of Ireland  
 Of the Bissetis, thare dwelland  
 Wes weddit wyth a Gentyلمان,  
 The Lord of the Ilys bruthir than,

ance, and must have had the best opportunities of informing himself of the truth of the story. He cautiously, indeed, declines giving us his own opinion upon the subject, contenting himself with declaring, that few knew for certain whether this mysterious person was the king; but this, I think, may be accounted for, from his high admiration of Albany, and his evident desire not to reveal any thing which might throw a stain upon his government, or that of his son, Duke Murdoch.

We know, from his own words, that Winton regarded Henry the Fourth as an unprincipled usurper, who had unjustly dethroned the rightful king;<sup>1</sup> and to have admitted that Albany detained Richard in an honourable captivity, whilst he recognized the title of Henry to the throne, would have little corresponded with the high character which he has elsewhere given

In Ireland before quhen scho had bene,  
 And the King Richard thare had sene,  
 Quhen in the Islis scho saw this man,  
 Scho let that scho weil kend hym than,  
 Til hir Maistere sone scho past  
 And tauld thare til hym als-sa fast,  
 That he wes that King of Yngland  
 That scho be-fore saw in Ireland,  
 Quhen he wes therein before  
 As scho drew than to memore;  
 Quhen til hir Mastere this scho had tauld,  
 That man ryght sone he tyl hym cald.  
 And askit hym, gyf it wes swa.  
 That he denyit; and said nocht, Ya.  
 Syn to the Lord of Montgwmery  
 That ilke man wes send in hy;  
 That ilke man syne eftyr that  
 Robert oure king of Scotland gat,  
 The Lord als of Cumbirnald  
 That man had a quhile to hald.  
 The Duke of Albany syne hym gat,  
 And held hym lang tyme eftyr that:  
 Quhethir he had bene king, or nane,  
 There wes bot few, that wyst certane.  
 Of devotioun nane he wes  
 And seildyn will had to here Mes,  
 As he bare hym, like wes he  
 Of half wod or wyld to be.

<sup>1</sup> Winton, vol. ii. p. 386,

of him. This disposition of the historian is strikingly illustrated by the manner in which he passes over the murder of the Duke of Rothesay. It is now established by undoubted evidence, that the prince was murdered by Albany and Douglas; yet Winton omits the dreadful event, and gives us only a brief notice of his death.<sup>1</sup> And I may observe that, in his account of the deposition of Henry, and the subsequent escape of Richard into Scotland, he has introduced a remark which is evidently intended as an apology to the reader for the concealment of part of the truth. "Although," says he, "every thing which you write should be true, yet in all circumstances to tell the whole truth, is neither needful nor speedful."<sup>2</sup>

Yet although the cautious Prior of Lochleven did not choose to commit himself by telling the whole truth, he states two remarkable circumstances which do not appear elsewhere. The first of these is the denial, by the person in question, that he was the king, when he was discovered by Donald of the Isles: a very extraordinary step certainly to be taken by an impostor, but a natural one to be adopted by the fugitive king himself, for at this time Donald of the Isles was in strict alliance with Henry the Fourth.<sup>3</sup> The second is the new fact, that Richard was delivered at Pontefract to two trust-worthy and well-known gentlemen, Swinburn and Waterton. Such strict secrecy was observed by Henry as to the mode in which the dethroned monarch was conveyed to Pontefract, and the persons to

<sup>1</sup> Winton's Chronicle, vol. ii. p. 397.

<sup>2</sup> Id. vol. ii. pp. 383, 384.

And in al thing full suth to say  
Is noucht neidful na speidful ay.  
Bot quhat at suld writyn be  
Suld be al suth of honestè.

<sup>3</sup> Rotuli Scotiæ, vol. ii. pp. 155, 156.

whose custody he was intrusted, that neither in the state papers of the time, nor in the contemporary English historians, is there any particular information upon the subject. But it is certain, that Sir Thomas Swinburn and Sir Robert Waterton were two knights in the confidence and employment of Henry, and that Waterton, in particular, was steward of the honour of Pontefract;<sup>1</sup> a circumstance which tends strongly to corroborate the account of Winton, and to show that, although he did not think it prudent to tell the whole truth, he yet possessed sources of authentic information. There is no mention of Winton in Bower's additions to Fordun; a strong proof, I think, that this last author had never seen his Chronicle; so that we are entitled to consider these two passages as proceeding from two witnesses, who, being unconnected with each other, yet concur in the same story. Nor is it difficult to account for the more particular and positive account of Bower, if we recollect that this author composed his history under the reign of James the Second, twenty years after Winton had completed his Chronicle, when all were at liberty to speak freely of the actions and character of Albany, and time had

<sup>1</sup> Whitaker's *Loidis and Elmete*, p. 269. Waterton was master of the horse to Henry the Fourth, who employed him in a foreign mission to the Duke of Gueldres. *Cottonian Catalogue*, p. 245. No. 88, also p. 244. In May 7, 1404, Sir Thomas Swinborne was sent on a mission to the magistrates of Bruges. *Ibid.* p. 244. See also Fordun a Goodal, vol. ii. p. 428. I have much pleasure in acknowledging the polite and friendly attention of Sir John Swinburn, Bart. of Capheaton, to my inquiries upon this subject. From his information I am enabled to state, that although in his own family there is no evidence, either written or traditionary, on the subject of Richard the Second, yet in the family of the present Mr Waterton of Walton Hall, the descendant of Sir Robert Waterton, master of the horse to Henry the Fourth, there is a long-established tradition, that his ancestor had the charge of Richard the Second in Pontefract castle.



been given to this writer to investigate and discover the truth.

In an ancient manuscript in the Advocates' Library, which I conjecture to have been written posterior to the time of Fordun, and prior to the date of Bower's continuation, I have found three passages which corroborate the accounts of this author and of Winton in a striking manner. The manuscript is entitled, *Extracta ex Chronicis Scotiæ*, and at folio 254 has the following passage :—" Henry Percy earl of Northumberland, with his nephew Henry the younger, and many others of the prelates and nobles of England, who fled from the face of Henry the Fourth, came into Scotland to King Richard, at this time an exile, but well treated by the governor."<sup>1</sup> In another part of the same manuscript, the account given of the death of Richard, by Bower, is thus briefly but positively confirmed, with the valuable addition of the monkish or leonine epitaph inscribed above his tomb : " Richard the Second, king of England, died in the castle of Stirling, in the aforesaid year, and was buried on the Feast of St Lucie the Virgin, on the north side of the high altar of the Preaching Friars ;" above whose royal image there painted, it is thus written :

Angliæ Ricardus jacet hic rex ipse sepultus.  
 Loncaste quem Dux dejecit arte, mota prodicione  
 Prodicione potens, aceptro potitur iniquo.  
 Supplicium luit hunc ipsius omne genus.  
 Ricardum inferis hunc Scotia sustulit annis  
 Qui caustro Striveling vite peregit iter  
 Anno milleno quaterceno quoque deno  
 Et nono Christi regis finis fuit iste.<sup>2</sup>

<sup>1</sup> " Percy Henricus Comes Northumbriæ cum nepote suo Henrico minore et multi alii nobiles Angliæ ac prælati fugientes a facie Henrici quarti Regis Angliæ Scotiam venerunt ad regem Ricardum exulem, per gubernatorem bene tractati." — *Extracta ex Chronicis Scotiæ*, folio 254. MS. Adv. Lib.

<sup>2</sup> *Extracta ex Chronicis Scotiæ*, fol. 263, dorso.

The church of the Dominican friars at Stirling has long since been destroyed, and other buildings erected on its site. It existed, however, in the time of Boece, who mentions the inscription over Richard's tomb as being visible in his day.<sup>1</sup> Such being the clear and positive statements of these respectable contemporary writers, whilst, as I shall afterwards show, the accounts of the reputed death of the king by the English historians were extremely vague and contradictory, and the reports of his escape frequent, I certainly did not feel disposed to follow Buchanan, and the whole body of English and Scottish historians who succeeded him, in treating the story as fabulous, or in considering the person, whom Bower so positively asserts to have been the king, as an impostor.

Having proceeded thus far in these researches, I began the examination of that part of the Chamberlain Accounts which forms the continuation of those valuable unpublished records, of which I have already given a description, in the Notes to the first volume of this history.<sup>2</sup> It contains the accounts of the great chamberlains and other ministers of the crown during the government of the Duke of Albany; and in examining them with that deep interest which such authentic documents demanded, I came upon the following extraordinary passages, which I shall translate literally from the Latin. The first occurs at the end of the Accounts for the year 1408, and is as follows: "Be it remembered also, that the said lord governor, down to the present time, has neither demanded nor received any allowance for the sums expended in the support of Richard king of England, and the messengers of France and of Wales, at different times coming

<sup>1</sup> Boece, Hist. p. 330.

<sup>2</sup> Vol. I. p. 488.

into the country, upon whom he has defrayed much, as is well known.”<sup>1</sup> Again, at the conclusion of Accounts for the year 1414, the following passage is to be found: “Be it remembered also, that our lord the duke, governor of the kingdom, has not received any allowance or credit for the expenses of King Richard, incurred from the period of the death of his brother our lord the king of good memory, last deceased.”<sup>2</sup> The same memorandum, in precisely the same words, is inserted at the termination of the Chamberlain Accounts for the year 1415;<sup>3</sup> and lastly, at the conclusion of the year 1417, there is this passage: “Be it remembered that the lord governor has not received any allowance for the expenses and burdens which he sustained for the custody of King Richard of England from the time of the death of the late king his brother of good memory, being a period of eleven years, which expenses the lords auditors of accounts estimate at the least to have amounted annually to the sum of a hundred marks, which for the past years makes in all seven hundred and and thirty-three pounds six shillings and eight pence.”<sup>4</sup>

<sup>1</sup> “Et memorandum quod dictus Dominus Gubernator regni non pectit neque recepit ad presens aliquam allocationem pro expensis suis factis super Ricardum regem Angliæ; Nuncios Franciæ vel Walliæ diversis vicibus infra regnum venient: circa quos multa exposuit, ut est notum.” Rotuli Compotorum, vol. iii. p. 18.

<sup>2</sup> “Et memorandum quod dominus dux gubernator regni non recepit allocationem aliquam pro expensis regis Ricardi, a tempore obitus bone memorie Domini regis fratris sui, ultimo defuncti.” Rotuli Compotorum, vol. iii. p. 69.

<sup>3</sup> Id. vol. iii. p. 78.

<sup>4</sup> “Et memorandum quod dominus gubernator non recepit allocationem pro expensis et oneribus quas sustinuit pro custodia regis Ricardi Angliæ, a tempore obitus bone memorie quondam domini regis fratris sui, jam per undecim annos. Quas expensas annuatim dni auditores compotorum estimant ad minus fuisse in quolibet, anno centum marcas. Quæ summa se extendit pro annis præteritis ad vii. xxxiii lib. vi. sh. viii d. quæ summa debetur domino duci.” Id. p. 95.

The discovery of these remarkable passages, in records of unquestionable authenticity, was very satisfactory. I considered them as affording a proof, nearly as convincing as the nature of the subject admitted, that the story given by Bower and by Winton was substantially true; as establishing upon direct evidence, which hitherto I can see no cause to suspect, the fact so positively asserted during the reign of Henry the Fourth and Henry the Fifth, that Richard the Second had escaped into Scotland, and lived there for many years after his reputed death in England. That an impostor should, as we learn from Winton, deny that he was the king, or that, in the face of this denial, a poor maniac should be supported at great expense, and detained for more than eleven years at the Scottish court, seems to me so extravagant a supposition, that I do not envy the task of any one who undertakes to support it. It was due, however, to the respectable historians who had adopted the common opinion regarding the death of Richard in 1399, that the evidence upon which they proceeded should be diligently weighed and examined. This I have done, with an earnest desire to arrive at the truth in this mysterious story; and the result has been, the discovery of a body of negative evidence, superior, I think, to that which could be brought in support of most historical facts.

And here I may first remark, that there is no certain proof furnished by contemporary English writers, that Richard the Second either died or was murdered in Pontefract castle; the accounts of the best historians being not only vague and inconsistent with each other, but many of them such as can easily be proved to be false by unexceptionable evidence. So much, indeed, is this the case, that some ingenious English authors have of late years attempted to clear up the

mass of obscurity and contradiction which hangs over the fate of Richard, and after having done all which could be accomplished by erudition and acuteness, have been compelled to leave the question as to the manner of his death in nearly the same uncertainty in which they found it.<sup>1</sup>

Walsingham, a contemporary historian of good authority, although attached to the house of Lancaster, affirms, that, according to common report, "*ut fertur*," he died by a voluntary refusal of food, on the fourteenth of February, 1399. "Richard," says he, "the former king of England, when he had heard of these disasters, became disturbed in his mind, and, as is reported, put an end to his life by voluntary abstinence, breathing his last at Pontefract castle on St Valentine's day."<sup>2</sup> Thomas of Otterburn, however, who was also a contemporay, gives a story considerably different: for he informs us that the king, although he at first determined to starve himself to death, afterwards repented, and wished to take food, but that, in consequence of his abstinence, the orifice of the stomach was shut, so that he could not eat, and died of weakness. "When Richard," he observes, "the late King of England, who was then a prisoner in Pontefract castle, had learnt the misfortune of his brother John of Holland, and the rest of his friends, he fell into such profound grief, that he took the resolution of starving himself, and, as it is reported, he so long abstained from food, that the orifice of his stomach was closed; so that when he was afterwards persuaded

<sup>1</sup> See the learned dissertations of Mr Webb and Mr Amyot, in the twentieth volume of the *Archæologia*.

<sup>2</sup> Walsingham, p. 363. "*Ricardus quondam rex Angliæ cum audisset hæc infortunia, mente consternatus, semetipsum extinxit inedia voluntaria, ut fertur, clausitque diem extremum apud castrum de Pontefracto die Sancti Valentini.*"

by his keepers to satisfy the craving of nature, by attempting to take nourishment, he found himself unable to eat, and his constitution sinking under it, he expired in the same place on St Valentine's day."<sup>1</sup>

In direct opposition to this story of death by voluntary abstinence, (a mode of extinction which is pronounced by an excellent historian to be inconsistent with the previous character of the king,<sup>2</sup>) a completely different tale is given by the author of a French manuscript work, in the royal library at Paris, who seems to be the first to whom we owe the introduction of Sir Piers Exton, and his band of eight assassins, who murdered Richard with their halberts and battle-axes. This account has been repeated by Fabyan and Hall in their Chronicles, by Hayward in his Life of Richard, and, in consequence of its adoption by Shakspeare, has become, and will probably continue, the general belief of Europe. For a complete exposure of the falsehood of this tale of assassination, I shall content myself with a simple reference to Mr Amyot's paper on the death of Richard the Second, which is printed in the *Archæologia*.<sup>3</sup>

There is, lastly, a class of contemporary authorities which ascribe the death of the king neither to voluntary abstinence, nor to the halbert of Sir Piers Exton, but to starvation by his keepers. The manuscript Chronicle of Kenilworth uses expressions which amount

<sup>1</sup> Otterburn, pp. 228, 229. "Ricardus quondam rex Angliæ in castro de Pontefracto existens custoditus, cum audisset infortunium fratris sui Joannis Holland, et ceterorum, in tantam devenit tristitiam, quod semet inedia voluit peremisse, et tantum dicitur abstinuisse, quod clauso orificio stomachi, cum ex post, consilio custodum, voluisset nature satisfacisse comedendo, præcluso omni appetitu comedere non valeret, unde factum est, ut natura debilitata, defecerit, et die Sancti Valentini, diem clausit supremum ibidem."

<sup>2</sup> Turner, *Hist. of England*, vol. ii. p. 352.

<sup>3</sup> *Archæologia*, vol. xx. pp. 427, 428.

to this:—"Fame et siti, ut putatur, dolenter consummatus." A Chronicle, in the Harleian collection, the work of Peter de Ickham, is more positive: "A cibo et potu per iv aut v dies restrictus, fame et inedia expiravit." Hardyng, the chronicler, who was a contemporary, and lived in the service and enjoyed the confidence of Hotspur and his father, repeats the same story.<sup>1</sup> Whilst we thus see that the accounts of so many writers who lived at the time are completely at variance; one saying that he starved himself, another that he repented, and wished to eat, but found it too late, and died; a third, that it took all the efforts of Exton and his accomplices, by repeated blows, to fell him to the ground; and the last class of writers, that his death was occasioned by his keepers depriving him of all nourishment, the proper inference to be drawn from such discrepancies in the various accounts amounts simply to this—that about this time the king disappeared, and no one knew what became of him.

It may be said, however, that all contemporary writers agree that the king did die, although they differ as to the manner of his death; yet even this is not the case: on the contrary, the belief that he had escaped, and was alive, seems to have been entertained in England by many, and those the persons most likely to have access to the best information, almost immediately after his being committed to Pontefract, and apparently before there was time to have any communication with Scotland. This can be very convincingly shown.

Some time after Richard had been conveyed with great secrecy to his prison in Pontefract castle, and previous to his reported death, a conspiracy was formed

<sup>1</sup> Cron. Harl. MS. 4323, p. 68. Archæologia, vol. xx. p. 282.

against Henry the Fourth by the Earls of Kent, Salisbury, and Huntingdon.<sup>1</sup> These noblemen, along with the Bishop of Carlisle and the Abbot of Westminster, were the chief actors in the plot; but they had drawn into it many persons of inferior rank, and, amongst the rest, Maudelain a priest, who had been a favourite of the king, and who resembled him so completely in face and person, that it is said the likeness might have deceived any one.<sup>2</sup> Their design was to murder Henry at a tournament which they were to hold at Windsor, and to restore King Richard. After every thing, however, as they supposed, had been admirably organized, the plot was betrayed to Henry by one of their own number; and on arriving at Windsor, they found that their intended victim had fled to London. They now changed their purpose, and marched to Sunning, near Reading, where Richard's youthful queen resided, who had not at this time completed her ninth year. Here, according to the accounts of Walsingham and Otterburn, the Earl of Kent, addressing the attendants and friends of the queen, informed them that Henry of Lancaster had fled to the Tower of London, and that they were now on their road to meet King Richard, their lawful prince, who had escaped from prison, and was then at the bridge of Radcote with a hundred thousand men.<sup>3</sup> The last part of the assertion was undoubtedly false; the first clause of the sentence contains the first assertion of Richard's escape which I have met

<sup>1</sup> Walsingham, pp. 362, 363.

<sup>2</sup> Metrical History of Deposition of Richard the Second, *Archæologia*, vol. xx. p. 213.

<sup>3</sup> The expressions of Walsingham, p. 363, are slightly different from those of Otterburn. Walsingham's words are, "*Quia jam evasit de carcere et jacet ad Pontem-fractum cum centum millibus defensorum.*" Those of Otterburn are, "*Qui jam evasit carcere et jacet ad pontem de Radcote cum 100,000 hominum defensionis,*" pp. 225, 226.



with; and I may remark, that with the exception of the two dignified ecclesiastics, none of the conspirators, whose testimony could have thrown light upon the subject, were suffered to live. The Earls of Surrey and of Salisbury were taken and executed at Cirencester; the Lords Lumley and Despencer shared the same fate at Bristol; the Earl of Huntingdon was seized near London, and beheaded at Pleshy; two priests, one of them Maudelain, whose extraordinary likeness to the king has been already noticed, with another named Ferriby, were executed at London; Sir Bernard Brocas and Sir John Shelly shared their fate; and others, whose names Walsingham has not preserved, suffered at Oxford.<sup>1</sup> Rapin has asserted, that both the ecclesiastics who were involved in the plot, the Abbot of Westminster and the Bishop of Carlisle, died almost immediately, the abbot of a stroke of apoplexy, and the bishop of absolute terror;<sup>2</sup> but this is an error. The Bishop of Carlisle, who was tried and pardoned, undoubtedly lived till 1409. And although the Abbot of Westminster appears to have died of apoplexy, neither the cause nor the time of his death agree with the story in Rapin.<sup>3</sup> It is quite clear, however, that previous to Richard's reported death, it was asserted that he had escaped from Pontefract castle.

A contemporary French manuscript, being a Metrical History of the deposition of Richard the Second, which has been translated and published by Mr Webb in the *Archæologia*, whilst it confirms the story of Richard's alleged escape, adds, that to induce the people to believe

<sup>1</sup> Metrical History of Deposition of Richard the Second, p. 215. *Archæologia*, vol. xx.

<sup>2</sup> Rapin, vol. i. p. 490. Fol. ed. London, 1732.

<sup>3</sup> Godwin, p. 767.

it, they brought Maudelain the priest with them, and dressed him up to personate the king. The passage, which is as follows, is amusing and curious:—"They," says this author, speaking of the conspirators, "had many archers with them. They said that good King Richard had left his prison, and was there with them. And to make this the more credible, they had brought a chaplain, who so exactly resembled good King Richard in face and person, in form and in speech, that every one who saw him certified and declared that he was the old king. He was called Maudelain. Many a time have I seen him in Ireland, riding through the country with King Richard his master. I have not, for a long time, seen a fairer priest. They armed the aforesaid as king, and set a very rich crown upon his helm, that it might be believed of a truth that the king was out of prison."<sup>1</sup> I have given this passage from the *Metrical History*, because I wish the reader to be possessed of all the contemporary evidence which may assist him in the discovery of the truth; whilst I acknowledge, at the same time, that the additional circumstance as to the personification of Richard by Maudelain the priest, seems at first to militate against the accuracy of the story as to Richard's escape. It ought to be remembered, however, that *Walsingham* says nothing of this personification; and his evidence, which is that of a contemporary in England, ought to outweigh the testimony of the *French Chronicle*, which in this part is avowedly hearsay. Neither does Otter-

<sup>1</sup> *Archæologia*, vol. xx. pp. 213, 214. Translation of a French *Metrical History* of the Deposition of Richard the Second, with prefatory observations, notes, and an appendix, by the Rev. John Webb. Mr Webb's notes are learned and interesting, and have furnished me with some valuable corroborations of the truth of my theory as to Richard's fate. In the above passage, Mr Webb translates "*le roy ancien*" "the old king;" "the former king" would express the meaning more correctly.

burn mention this circumstance, although it was too remarkable to be omitted if it really occurred.

There is, however, another manuscript in the library of the King of France, entitled, "*Relation de la prise de Richard Seconde, par Berry Roy d'Armes*," which in some measure enables us to reconcile this discrepancy. According to the account which it contains, it was resolved at the meeting of the conspirators, which was held in the house of the Abbot of Westminster, that "Maudelain was to ride with them, to represent King Richard;" but this plan was not afterwards carried into execution. It appears from the same manuscript, that Henry himself, when marching against the conspirators, believed the story of Richard's escape. This, I think, is evident from the following passage: "Next morning Henry set out to meet his enemies, with only fifty lances and six thousand archers; and drawing up his men without the city, waited three hours for his reinforcements. Here he was reproached by the Earl of Warwick for his lenity, which had brought him into this danger; but he vindicated himself for his past conduct, adding, 'that if he should meet Richard now, one of them should die.'"<sup>1</sup> I do not see how Henry could have expressed himself in this way to the Earl of Warwick, unless he then believed that Richard had really escaped, and was about to meet him in the field.

It was almost immediately after the suppression of this conspiracy, and the execution of its authors, that Richard was reported to have died in Pontefract castle; and we now come to the consideration of an extraordi-

<sup>1</sup> *Archæologia*, vol. xx. pp. 218, 219. From this curious manuscript, which belonged to the celebrated Baluze, large extracts were made by Mr Allen, Master of Dulwich College, a gentleman of deep research in English history, and communicated to Mr Webb, from whose notes I have taken them.

nary part of the story, in the exposition of the dead body by Henry, for the purpose of proving to the people that it was the very body of their late king. Of this ceremony Otterburn gives the following account: "His body was carried and exposed in the principal places intervening betwixt Pontefract and London; that part, at least, of the person was shown, by which he could be recognized, I mean the face, which was exposed from the lower part of the forehead to the throat. Having reached London, it was conveyed to the church of St Paul's, where the king, along with some of his nobles, and the citizens of London, attended the funeral, both on the first and the second day. After the conclusion of the mass, the body was carried back to Langley, in order to be there interred amongst the Preaching Friars; which interment accordingly took place, being conducted without any pomp, by the Bishop of Chester, and the abbots of St Albans and of Waltham."<sup>1</sup> The manner in which this funeral procession to St Paul's was conducted, is minutely described in the following passage, extracted by Mr Allen from the manuscript in the royal library at Paris, already quoted: "In the year 1399-1400, on the 12th day of March, was brought to the church of St Paul of London, in the state of a gentleman, the body of the noble King Richard. And true it is, that it was in a carriage which was covered with a black cloth,<sup>2</sup> having four banners thereupon, whereof

<sup>1</sup> Otterburn, p. 229.

<sup>2</sup> "There is a curious representation of this chariot in the fine illuminated Froissart in the British Museum, from whence it appears, that the carriage was drawn by two horses, one placed before the other, as the five horses were placed in the French carriage of Henry VII. as described by Hall, vol. iii. p. 800." — Gough's *Sepulchral Monuments*, vol. iii. p. 166.

There is in the same MS. a portrait of Richard the Second when going to arrest the Duke of Gloucester at Pleahy.—*Archæologia*, vol. iv. p. 315.

two were the arms of St George, and the other two the arms of St Edward; to wit, Azure, over all a cross Or; and there were a hundred men all clad in black; and each bore a torch. And the Londoners had thirty torches and thirty men, who were all clad in white, and they went to meet the noble King Richard; and he was brought to St Paul's, the head church of London. There he was two days above ground, to show him to those of the said city, that they might believe for certain that he was dead; for they required no other thing."<sup>1</sup>

This ceremony took place on the 12th of March. 1399, nearly a month after the king's reputed death on the 14th of February; and it would appear, from the expressions which are employed, that the citizens of London believed that Richard had escaped, and was alive, and that the exposure of the body was resorted to by Henry, as the most probable means of putting down this dangerous report. The question now immediately arises, if Richard was alive, according to the theory which I entertain, in what manner are we to account for this ceremony at St Paul's, and for the body lying in state at the different churches between Pontefract and London? My answer is, that the whole was a deception, ingeniously got up for the purpose of blinding the people, but when narrowly examined, betraying the imposition in a very palpable manner. It is, accordingly, positively asserted by the contemporary author of the French Metrical History of Richard's deposition, that the body thus exposed in London was not that of the king, but of Maudelain the priest. I give the passage in Mr Webb's translation: "Then was the king so vexed at heart by this

<sup>1</sup> French Metrical History.—Archæologia, vol. xx. p. 221.

evil news, that he neither ate nor drank from that hour: and thus, as they say, it came to pass that he died. But, indeed, I do not believe it; for some declare for certain that he is still alive and well, shut up in their prison,—which is a great error in them; although they caused a dead man to be openly carried through the city of London, in such pomp and ceremony as becometh a deceased king, saying that it was the body of the deceased King Richard. Duke Henry there made a show of mourning, holding the pall after him, followed by all those of his blood in fair array, without regarding him, or the evils that they had done unto him. \* \* Thus, as you shall hear, did they carry the dead body to St Paul's, in London, honourably, and as of right appertaineth to a king. But I certainly do not believe that it was the old king; but I think it was Maudelain, his chaplain, who, in face, size, height, and make, so exactly resembled him, that every one firmly thought it was good King Richard. And if it were he, morn and night I heartily make my prayer to the merciful and holy God, that he will take his soul to heaven.”<sup>1</sup>

A late author, Mr Amyot, in an ingenious paper in the *Archæologia*, considers that the circumstance of Maudelain having been beheaded, rendered such deception impossible. To the support of my ideas as to Richard's escape, it is of little consequence whether Maudelain's remains were employed, or some other mode of deception was resorted to: all that I contend for is, that the body thus carried in a litter, or car, to St Paul's, was not that of the king. Now, the more narrowly we examine the circumstances attending this exposition of the body at St Paul's, the more com-

<sup>1</sup> French Metrical History, pp. 219, 220, 221.

pletely shall we be convinced, I think, that the French historian is correct, and that it was not the true Richard. Of the king's person a minute description has been left us by the Monk of Evesham. "He was of the common or middle size, with yellow hair, his face fair, round, and feminine, rather round than long, and sometimes flushed and red."<sup>1</sup>

Keeping in mind this description of the person of the real Richard, and comparing it with the manner in which Henry conducted the exhibition at St Paul's, a strong suspicion arises that he was not in possession of the actual body of the king. Why was his head entirely concealed, and the face only shown from the lower part of the forehead to the throat? Richard's yellow hair was the very mark which would have enabled the people to identify their late monarch; and so far from being concealed, we should have been led to expect that it would have been studiously displayed. Had the king, indeed, died by the murderous strokes of Exton and his accomplices, inflicted on the head, there might have been good cause for concealing the gashes; but it will be recollected this cannot be pleaded, as this story is now given up on all hands as a fable.

There is another circumstance, which in my mind corroborates this suspicion of deception: Henry's wish was to do public honour to the body of the late king. He attended, we see, the service for the dead, and held the pall of the funeral car: but no interment followed; the body was not permitted to be buried in London at all, although there was then a tomb ready, which Richard, previous to his deposition, had prepared for himself in Westminster Abbey, and to which Henry the Fifth afterwards removed the reputed remains of

<sup>1</sup> Vita Ricardi II. p. 169.

the king.<sup>1</sup> It was conveyed, apparently in the same car in which it lay in state, to Langley, in Hertfordshire, and there interred with great secrecy, and without any funeral pomp. "When the funeral service," says Walsingham, "was concluded in the church of St Paul, the king and the citizens of London being present, the body was immediately carried back to Langley, to be interred in the church of the Preaching Friars; the last offices being performed by the Bishop of Chester, the Abbots of St Albans and of Waltham, without the presence of the nobles, and unattended by any concourse of the people; nor was there any one who, after their labours, would invite them to dinner."<sup>2</sup> It must be evident to every one, that as Henry's avowed object was to convince the English people that Richard their late king was dead and buried, the greater concourse of people who attended his funeral, and the more public that ceremony was made, the more likely was he to attain his desire. In this light, then, the sudden removal from London, the secret burial at Langley, "*sine pompa, sine magnatum præsentia, sine populari turba*," are circumstances which, I own, create in my mind a strong impression that Henry was not in possession of the real body of the king: that either the head of Maudelain the priest, or some other specious contrivance, was employed to deceive the people, and that the king did not think it prudent to permit a public funeral; because, however easy it may have been to impose upon the spectators, so long as they

<sup>1</sup> Richard the Second's will is to be found published amongst the Royal and Noble Wills, p. 191. The king there directs his body to be buried in "Ecclesia Sancti Petri Westmonasterii—in monumento quod ad nostrum et inclitæ recordacionis Annæ dudum Reginæ Angliæ consortis nostræ, cujus animæ prospicietur altissimus erigi fecimus memoriam." A description and engraving of this monument is to be seen in Gough's Sepulchral Monuments.

<sup>2</sup> Walsingham, p. 363. Otterburn, p. 229.



were merely permitted to see the funeral car in which the body lay covered up with black cloth, and having nothing but the face exposed, the process of removing from the litter, arraying it for the grave, and placing it in the coffin, might have led to a discovery of the deception which had been practised. It is clear, that the evidence of a single person who had known the king, had he been permitted to uncover the head and face, and to examine the person, would have been itself worth the testimony of thousands who gazed for a moment on the funeral car, and passed on; and it is for this reason that I set little value on the account of Froissart, (whose history of the transactions connected with Richard's deposition is full of error,<sup>1</sup>) when he asserts that the body was seen by twenty thousand persons; or of Hardyng, who relates that he himself saw the "corse in herse rial;" and that the report was, he had been "forhungred" or starved, "and lapte in lede."

Another proof of the conviction of the country that this exhibition of the body of Richard was a deception upon the part of Henry, is to be found in the reports of his escape which not long afterwards arose in England, and the perpetual conspiracies in which men of rank and consequence freely hazarded, and in many cases lost their lives, which were invariably accompanied with the assertion that Richard was alive in Scotland. It is a remarkable circumstance, that these reports and conspiracies continued from the alleged year of his death, through the whole period occupied by the reigns of Henry the Fourth and Henry the Fifth. The year 1402 absolutely teemed with reports that Richard was alive, as appears from Walsingham.

<sup>1</sup> Webb's Translation of the Metrical Hist. of the Deposition of Richard the Second, p. 7. *Archæologia*, vol. xx.

A priest of Ware was one of the first victims of Henry's resentment. He had, it seems, encouraged his brethren, by affirming that Richard was alive, and would shortly come forward to claim his rights; in consequence of which he was drawn and quartered. Not long after, eight Franciscan friars were hanged at London, for having asserted that Richard was alive, one of whom, a doctor of divinity, named Frisby, owing to the boldness and obstinacy with which he maintained his loyalty, was executed in the habit of his order. About the same time, Walter de Baldock prior of Launde in Leicestershire, was hanged because he had published the same story. Sir Roger de Clarendon, a natural son of the Black Prince, and one of the gentlemen of the bed chamber to Richard the Second, along with his armour-bearer and page, were condemned and executed for the same offence.<sup>1</sup> In these cases there appears to have been no regularly formed conspiracy, as in the instances to be afterwards mentioned. The Franciscan friars, it is well known, were in the habit of travelling through various countries, and were in constant intercourse with Scotland, where they had many convents.<sup>2</sup> They had probably seen the king, or become possessed of certain evidence that he was alive, and they told the story on their return.

Of these reports, however, we have the best evidence in a paper issued by Henry himself, and preserved in the *Fœdera Angliæ*.<sup>3</sup> It is a pardon under the privy seal to John Bernard of Offely; and from it we learn some interesting particulars of the state of public

<sup>1</sup> Walsingham, p. 365. Otterburn, p. 234. Nichols' *Leicestershire*, vol. iii. pp. 260, 305.

<sup>2</sup> Quetif et Echard, *Scriptores Ordinis Prædicatorum*, pp. 10, 11.

<sup>3</sup> Rymer, *Fœdera*, vol. viii. p. 262. A.D. 1402, 1st June.

belief as to the escape and existence of Richard. Bernard, it seems, had met with one William Balshalf of Lancashire, who, on being asked what news he had to tell, answered, "That King Richard, who had been deposed, was alive and well in Scotland, and would come into England upon the feast of St John the Baptist next to come, if not before it." Balshalf added, "That Serle, who was then with King Richard, had arranged every thing for his array and entrance into England, and that they would have timely warning of it; whilst he reported that Henry the Fourth, in fear of such an event, had collected great sums of money from his lieges with the intention of evacuating the kingdom, repairing to Brittany, and marrying the duchess of that country. Bernard then asked Balshalf what was best to be done,—who bade him raise certain men, and take his way to meet King Richard; upon which he went to John Whyte and William Threshire of Offely, to whom he told the whole story, and who immediately consented to accompany him to Athereston, near the abbey of Merivale, there to await the king's arrival, and give him their support." This conversation Bernard revealed to Henry, and having offered to prove it on the body of Balshalf, who denied it, the king appointed a day for the trial by battle, which accordingly took place, and Balshalf was vanquished. The consequence was a free pardon to Bernard, which is dated on the first of June, 1402, and in which the above circumstances are distinctly stated. The person of the name of Serle here mentioned, as being with Richard in Scotland, was undoubtedly William Serle, gentleman of the bedchamber to Richard the Second, and one of the executors of his will.<sup>1</sup> He was infamous as one of the murderers of

<sup>1</sup> Richard's Will, in Nichols, p. 200. It is dated 16th April, 1399.

the Duke of Gloucester, and was soon after engaged in a second plot to restore the king. These transactions took place in 1402, and sufficiently prove the little credit given by the people of England to the story of the king's death, and the funeral service which was enacted at Westminster.

Next year, in 1403, occurred the celebrated rebellion of the Percies, which ended in the battle of Shrewsbury, and the death of Hotspur. Previous to the battle, the Earl of Worcester and Henry Percy drew up a manifesto, which was delivered to King Henry upon the field by two squires of Percy, in which Henry was charged with having caused Richard to perish by hunger, thirst, and cold, after fifteen days and nights of sufferings unheard of among Christians. Yet however broad and bold this accusation of murder, the principal persons who made it, and the only ones who survived its publication, afterwards altered their opinions, and employed very different expressions. This manifesto was drawn up in the name of the old Earl of Northumberland, although he had not then joined the army which fought at Shrewsbury, and it was sanctioned and approved by Richard Scrope archbishop of York. It commences, "*Nos Henricus Percy comes Northumbrie, constabularius Angliæ;*" and Hardyng the chronicler, who was then with Hotspur and Worcester in the field, as he himself informs us, adds, "that their quarrel was be goode advyse and counseill of Maister Richard Scrope archebishope of Yorke." Now, it will immediately be seen, that two years after this, in 1405, Scrope and the earl engaged in a second conspiracy against Henry; and in the articles which they then published, the positive statement in the manifesto as to

Richard's death, is materially changed.<sup>1</sup> I may here again use the words of Mr Amyot, in his paper on the death of Richard the Second. "On turning," says he, "from this letter of defiance in 1403, to the long and elaborate manifesto of Archbishop Scrope and the Yorkshire insurgents in 1405, we shall find a considerable diminution in the force of the charge, not indeed that one single day is abated out of the fifteen allotted to the starvation, but the whole story is qualified by the diluting words '*ut vulgariter dicitur.*'" So that, in two years, the tale which had before been roundly asserted as a fact, must have sunk into a mere rumour."<sup>2</sup> The accusation of the Percies, therefore, which is the only broad and unqualified charge brought against Henry by contemporaries, is not entitled to belief, as having been virtually abandoned by the very persons to whom it owes its origin.

This conspiracy of Hotspur having been put down in 1403, in 1404 Henry was again made miserable by new reports proceeding from Scotland regarding the escape of Richard, and his being alive in that country. These rumours, we learn from Otterburn, not only prevailed amongst the populace, but were common even in the household of the king.<sup>3</sup> Serle, one of the gentlemen of Richard's bedchamber, who, as we have already seen, had repaired to Scotland, returned from

<sup>1</sup> We owe the publication of this curious and interesting manifesto to Sir Henry Ellis. *Archæologia*, vol. xvi. p. 141. "Tu ipsum dominum nostrum regem et tuum, proditorie in castro tuo de Pountefreite, sine consensu suo, seu iudicio dominorum regni, per quindecim dies et tot noctes, quod horrendum est inter Christianos audiri, fame, scitu, et frigore interfici fecisti, et murthero periri, unde perjuratus es, et falsus."

<sup>2</sup> *Archæologia*, vol. xx. p. 436.

<sup>3</sup> Otterburn, p. 249. "Quo mortuo cessavit in regno de vita Regis Ric: confabulatio quæ prius vixit non solum in vulgari populo sed etiam in ipsa dominis regis domo."

that country with positive assertions that he had been with Richard, from whom he brought letters and communications, addressed under his privy seal to his friends in England.<sup>1</sup> Maud, the old Countess of Oxford, a lady far advanced in life, and little likely to engage, upon slight information, in any plot, "caused it to be reported," says Walsingham, "throughout Essex, by her domestics, that King Richard was alive, and would soon come back to recover and assert his former rank. She caused also little stags of silver and gold to be fabricated, presents which the king was wont to confer upon his most favourite knights and friends; so that, by distributing these in place of the king, she might the more easily entice the most powerful men in that district to accede to her wishes. In this way," continues Walsingham, "she compelled many to believe that the king was alive; and the report was daily brought from Scotland, that he had there procured an asylum, and only waited for a convenient time, when, with the strong assistance of the French and the Scots, he might recover the kingdom."<sup>2</sup> Walsingham then goes on to observe, that the plot of the countess was not only favoured by the deception of Serle, but that she had brought over to her belief several abbots of that country, who were tried and committed to prison; and that, in particular, a clerk, who had asserted that he had lately talked with the king, describing minutely his dress, and the place of the meeting, was rewarded by being drawn and hanged.<sup>3</sup>

It is stated by Dr Lingard, in his account of this conspiracy,<sup>4</sup> on the authority of Rymer's *Fœdera*, and

<sup>1</sup> Walsingham, p. 370.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid. pp. 370, 371. Some curious papers connected with the investigations into this plot, have been lately discovered amongst the records in the Chapter House, Westminster.

<sup>4</sup> Vol. iv. p. 398.

the Rolls of Parliament, that Serle, being disappointed of finding his master alive, prevailed upon a person named Warde to personate the king, and that many were thus deceived. Although, however, this personification by Warde is distinctly asserted in Henry's proclamation, it is remarkable that it is not only omitted by Walsingham, but is inconsistent with his story; and the total silence of this historian, as also that of Otterburn, (both of them contemporaries,) induces me to believe that the story of Thomas Warde personating King Richard, was one of those forgeries which Henry, as I shall afterwards show, did not scruple to commit when they could serve his purposes. What became afterwards of Warde cannot be discovered; but Serle was entrapped and taken by Lord Clifford, and, according to Walsingham, confessed that the person whom he had seen in Scotland was indeed very like the king, but not the king himself, although, to serve his own ends, he had persuaded many, both in England and in Scotland, that it was Richard.<sup>1</sup> It would be absurd, however, to give much weight to this confession, made by a convicted murderer, and spoken under the strongest motives to conciliate the mind of the king, and obtain mercy for himself. To obtain this, the likeliest method was to represent the whole story regarding Richard as a falsehood. It may be remarked, also, that in Otterburn there is not a word of Serle's confession, although his seizure and subsequent execution are particularly mentioned.<sup>2</sup>

The conduct of the king immediately after this is well worthy of remark; as we may discern in it, I think, a striking proof of his own convictions upon this mysterious subject. He issued instructions to

<sup>1</sup> Walsingham, p. 371.

<sup>2</sup> Otterburn, p. 249.

certain commissioners, which contain conditions to be insisted on as the basis of a treaty with Scotland;<sup>1</sup> and in these there is no article regarding the delivery of this pretended king, although his proclamation, as far back as the 5th June, 1402,<sup>2</sup> shows that he was quite aware of his existence, and his constant intercourse with that country must have rendered him perfectly familiar with all the circumstances attending it. Is it possible to believe that Henry, if he was convinced that an impostor was harboured at the court of the Scottish king, whose existence there had been the cause of perpetual disquiet and rebellion in his kingdom, would not have insisted that he should be delivered up, as Henry the Seventh stipulated in the case of Perkin Warbeck? But Warbeck was an impostor, and the seventh Henry never ceased to adopt every expedient of getting him into his hands; whilst Henry the Fourth, at the very moment that he has put down a conspiracy, which derived its strength from the existence of this mysterious person in Scotland, so far from stipulating as to his delivery, does not think it prudent to mention his name. This difference in the conduct of the two monarchs, both of them distinguished for prudence and sagacity, goes far, I think, to decide the question; for, under the supposition that he who was kept in Scotland was the true Richard, it became as much an object in Henry the Fourth to induce the Scots to keep him where he was, as in Henry the Seventh to get Perkin into his hands; and a wary silence was the line of policy which it was most natural to adopt.

There is a remarkable passage in Walsingham, regarding an occurrence which took place in this same

<sup>1</sup> Rymer, *Fœdera*, vol. viii. p. 384.

<sup>2</sup> *Ibid.* vol. viii. p. 261.



year, 1404, which proves that, in France, although Henry at first succeeded in persuading Charles the Sixth that his son-in-law Richard was dead, the deception was discovered, and, in 1404, the French considered the king to be alive. "The French," says this writer, "at the same time came to the Isle of Wight with a large fleet, and sent some of their men ashore, who demanded supplies from the islanders in the name of King Richard and Queen Isabella; but they were met by the answer that Richard was dead."<sup>1</sup>

An additional proof of the general belief in France of Richard's escape and safety, is to be found in a ballad composed by Creton, the author of the *Metrical History of the Deposition of Richard the Second*, which has been already quoted. We see, from the passage giving a description of the exposition of the body at St Paul's, that this author inclined to believe the whole a deception, and gave credit to the report, even then prevalent, that the king was alive. In 1405, however, he no longer entertains any doubt upon the subject, but addresses an epistle in prose to the king himself, expressing his joy at his escape, and his astonishment that he should have been able to survive the wretched condition to which he had been traitorously reduced. I am sorry that the learned author, from whose notes I take this illustration, enables me only to give the commencement of the epistle, and the first stanza of the ballad; but even these, though short, are quite decisive. His epistle is thus inscribed: "Ainsi come vraye amour requiert a tres noble prince et vraye Catholique Richart d'Engle-

<sup>1</sup> Walsingham, p. 370. "Gallici," says this writer, "circa tempus illud venerunt ante Vectam insulam cum magna classe, miseruntque de suis quosdam qui peterent nomine regis Richardi et Isabellæ reginæ tributum, vel speciale subsidium ab insulanis. Qui responderunt regem Richardum fuisse defunctum."

terre, je, Creton ton liege serviteur te renvoye ceste Epistre." The first stanza of the ballad is equally conclusive.

"O vous, Seignors de sang royal de France,  
Mettez la main aux armes vistement,  
Et vous avez certaine cognoissance  
Du roy qui tant a souffert de tourment  
Par faulx Anglois, qui traiteusement  
Lui ont tollu la domination ;  
Et puis de mort fait condempnation.  
Mais Dieu, qui est le vray juge es saintz cieulx,  
Lui a sauvé la vie. Main et tart  
Chascun le dit par tut, jeunes et vieulx.  
C'est d'Albion le noble Roy Richart."<sup>1</sup>

Not long after the plot of Serle had been discovered and put down in 1404, there arose, in 1405, the conspiracy of the Earl of Northumberland and Archbishop Scrope, to which I have already alluded. In their manifesto, published before the battle of Shrewsbury, they had accused Henry in unqualified terms of the murder, whereas now, in the "Articles of Richard Scrope against Henry the Fourth,"<sup>2</sup> the addition of the words "*ut vulgariter dicitur*," shows, as I have already observed, that the strong convictions of Henry's guilt had sunk by this time into vague rumour; but the Parliamentary Rolls,<sup>3</sup> which give a minute and interesting account of the conspiracy, furnish us with a still stronger proof of Northumberland's suspicion of Richard's being alive, and prove, by the best of all evidence, his own words, that one principal object of the conspirators was to restore him, if this was found to be true.

It appears from these authentic documents, that in the month of May, 1405, the Earl of Northumberland

<sup>1</sup> Metrical History of the Deposition of Richard the Second, with notes by Mr Webb. *Archæologia*, vol. xx. p. 189.

<sup>2</sup> Wharton's *Anglia Sacra*, p. 362, pars. ii.

<sup>3</sup> Rolls of Parliament, vol. iii. p. 605.

seized and imprisoned Sir Robert Waterton, "esquire to our lord the king," keeping him in strict confinement in the castles of Warkworth, Alnwick, Berwick, and elsewhere. The reader will recollect, that according to the evidence of Winton, Richard was delivered to two gentlemen of the name of Waterton and Swinburn, who spread a report of his escape; and it is not improbable that the object of Northumberland, in the seizure of Waterton, was to arrive at the real truth regarding this story of his escape, to ascertain whether it was a mere fable, and whether the king actually had died in Pontefract castle, or might still be alive in Scotland, as had been confidently reported. It is of consequence, then, to observe Northumberland's conduct and expressions regarding Richard, after having had Waterton in his hands; and of both we have authentic evidence in the Parliamentary Rolls. He, and the rest of the conspirators, the Archbishop of York, Sir Thomas Mowbray, Sir John Fauconberg, Lord Hastings, and their accomplices, sent three commissioners, named Lasingsby, Boynton, and Burton, into Scotland, to enter into a treaty with Robert the Third, who died soon after, and at the same time to communicate with certain French ambassadors, who, it appears, were at that time in Scotland; and the avowed object of this alliance is expressly declared by Northumberland in his letter to the Duke of Orleans. It is as follows—"Most high and mighty prince, I recommend myself to your lordship; and be pleased to know, that I have made known, by my servants, to Monsieur Jehan Chavbreliack, Mr John Andrew, and John Ardinguill, called Reyner, now in Scotland, and ambassadors of a high and excellent prince, the King of France, your lord and brother, my present intention and wish, which I have written to the king your brother. It is this, that

with the assistance of God, with your aid, and that of my allies, I have embraced a firm purpose and intention to sustain the just quarrel of my sovereign lord King Richard, if he is alive, and if he is dead, to avenge his death; and, moreover, to sustain the right and quarrel which my redoubted lady, the Queen of England, your niece, may have to the kingdom of England, and for this purpose I have declared war against Henry of Lancaster, at present regent of England." This letter, which will be found at length in the note below,<sup>1</sup> is written from Berwick, and although the precise date is not given, it appears, by comparison with other deeds connected with the same conspiracy, preserved in the *Fœdera* and the *Rotuli Scotiæ*, to have been written about the 10th of June. The Parliamentary Rolls go

<sup>1</sup> Rolls of Parliament, vol. iii. p. 605. "Tres haut et tres puissant prince, jeo me recomance a vostre seigneurie; a laquelle plesse asavoir que jay notifie par mes gentz, a Monr. Johan Chavbreliaik, Meistre Johan Andrew, et Johan Ardinguill dit Reyner, ambassatours de tres haut et tres excellent prince le Roy de France, vostre sieur et frere, esteantz en Escoce, mon entencion et voluntée, laquelle je escriptz au roy vostre dit sieur et frere; laquelle est, que a l'aide de Dieu, de le vostre et des plusours mes allies, j'ay entencion et ferme purpos de sustener le droit querelle de mon sovereign sieur le Roy Richard, s'il est vif, et si mort est, de venger sa mort, et aussi de sustener la droit querele que ma tres redoubte dame le Royne d'Engleterre, vostre niece, poit avoir raisonablement au Roiaume d'Engleterre, et pur ceo ay moeve guerre a Henry de Lancastre, a present regent d'Angleterre; et car jeo foy que vous ames et sustenez ceste querelle, et autres contre le dit Henry jeo vous prie et require, que en ceo vous moi voilles aider et soccorer, et ausi moi aider eus le tres haut et tres excellent prince le Roy de France, vostre dit sieur et frere, que les choses desquelles jeo lui escriptz, et dont vous enformeront au plain les ditz ambassatours, preignent bone et brief conclusion, quar en vite, en tout ceo que jeo vous pourra servir a sustener de par decea les ditz querelles encontre le dit Henry, jeo le ferra voluntiers de tout mon poair. Et vous plesse de croiere les ditz ambassatours de ceo qu'ils vous dirront de par moy; le Saint Esprit tres haut et tres puissant prince vous ait en sa garde. Escript a Berwyck, &c.

"A tres haut et tres puissant prince le Duc d'Orleans, Count de Valois et de Blois, et Beaumont et Sieur de Courcy." No date is given, but it immediately succeeds June 11, 1405.

on to state, that in this same month of June, Northumberland and his accomplices seized Berwick, and traitorously gave it up to the Scots, the enemies of the king, to be pillaged and burnt.

It is of importance to attend to the state of parties in Scotland at this time. The persons in that country with whom Northumberland confederated to sustain the quarrel of King Richard, were the loyal faction opposed to Albany, and friends to Prince James, whom that crafty and ambitious statesman now wished to supplant. Albany himself was at this moment in strict alliance with Henry the Fourth, as is shown by a manuscript letter preserved in the British Museum, dated from Falkland on the 2d of June, and by a mission of Rothesay herald, to the same monarch, on the 10th of July.<sup>1</sup> Wardlaw bishop of St Andrews, Sinclair earl of Orkney, and Sir David Fleming of Cumbernauld, to whose care, it will be recollected, Winton informs us Richard of England had been committed, opposed themselves to Albany, and having determined, for the sake of safety, to send Prince James to France, entered, as we see, into a strict alliance with the Earl of Northumberland, in his conspiracy for overturning the government of Henry the Fourth.

The events which followed immediately after this greatly favoured the usurpation of Albany. Prince James was taken on his passage to France, probably in consequence of a concerted plan between Albany and Henry. David Fleming, according to Bower,<sup>2</sup> was

<sup>1</sup> Pinkerton, Hist. vol. i. p. 82. In the Cottonian Catalogue, p. 498, No. 114, I find a letter from Robert duke of Albany to Henry the Fourth, thanking him for his good treatment of Murdoch his son, and the favourable audiences given to Rothesay his herald, dated Falkland, June 4, 1405.

<sup>2</sup> If we believe Walsingham, pp. 374, 375, however, the chronology is different. Fleming was not slain till some months afterwards, and

attacked and slain on his return from accompanying James to the ship, by the Douglasses, then in alliance with Albany; and the old king, Robert the Third, died, leaving the government to the uncontrolled management of his ambitious brother, whilst his son, now king, was a prisoner in the Tower. Meanwhile, Sinclair the Earl of Orkney joined Northumberland at Berwick;<sup>1</sup> but the rebellion of that potent baron and his accomplices having entirely failed, he and the Lord Bardolph fled into Scotland, from which, after a short while, discovering an intention upon the part of Albany to deliver them into the hands of Henry, they escaped into Wales. We know from the Chamberlain Accounts, that immediately after the death of Robert the Third, Albany obtained possession of the person of Richard. In this way, by a singular combination of events, while the Scottish governor held in his hands the person who, of all others, was most formidable to Henry, this monarch became possessed of James the First of Scotland, the person of all others to be most dreaded by the governor. The result was, that Albany and Henry, both skilful politicians, in their secret negotiations could play off their two royal prisoners against each other; Albany consenting to detain Richard so long as Henry agreed to keep hold of James. The consequence of this policy was just what might have been expected. Richard died in Scotland, and

lived to receive Northumberland and Bardolph on their flight from Berwick; after which he discovered to them a plot of Albany's for their being delivered up to Henry, and by his advice they fled into Wales, in revenge for which Fleming was slain by the party of Albany.\*

<sup>1</sup> John, son of Henry, says, in a letter to his father, Vesp. F. vii. f. 95, No. 2, that Orkney had joined Northumberland and Bardolph at Berwick. The letter is dated 9th June, in all appearance 1405, says Pinkerton, vol. i. p. 82. The circumstances mentioned prove that it was, without doubt, in 1405.

\* Ypodigma Neustria, p. 566.

James, so long as Albany lived, never returned to his throne or to his kingdom; although, during the fifteen years of Albany's usurpation, he had a strong party in his favour, and many attempts were made to procure his restoration. It seems to me, therefore, that this circumstance of Albany having Richard in his hands, furnishes us with a satisfactory explanation of two points, which have hitherto appeared inexplicable. I mean, the success with which the governor for fifteen years defeated every negotiation for the return of James, and the unmitigable severity and rage which this monarch, on his return, and throughout his reign, evinced towards every member of the family of Albany.

Even after the grievous disaster of Northumberland in 1405, the reports regarding Richard being still alive revived, and broke out in the capital; and Percy, the indefatigable enemy of Henry, along with Lord Bardolph, made a last attempt to overturn his government. "At this time," says Walsingham, speaking of the year 1407, "placards were fixed up in many places in London, which declared that King Richard was alive, and that he would soon come to claim his kingdom with glory and magnificence; but not long thereafter, the foolish inventor of so daring a contrivance was taken and punished, which allayed the joy that many had experienced in consequence of this falsehood."<sup>1</sup> Who the person was whom Walsingham here designates as the inventor of these falsehoods, does not appear from any part of his own history, or from any of the public papers in the *Fœdera* or the *Parliamentary Rolls*; but we may connect these reports, on good grounds, I think, with Percy and Lord Bardolph, who, in 1408, proceeded from Scotland into Yorkshire, and after an ineffectual attempt to create a general insurrection in

<sup>1</sup> Walsingham, p. 376.

that country, were entirely defeated, Northumberland being slain, and Bardolph dying soon after of his wounds. The reader will recollect, perhaps, a passage already quoted from Bower,<sup>1</sup> in which this historian states, that amongst other honourable persons who fled with Northumberland and Lord Bardolph into Scotland, was the Bishop of Bangor; and I may mention it as a striking confirmation of the accuracy of this account, that the Bishop of Bangor, according to Walsingham, was taken in the battle along with Percy, and that, as the historian argues, he deserved to have his life spared because he was unarmed. His fellow priest, the Abbot of Hayles, who was likewise in the field, and had changed the cassock for the steel coat, was hanged.<sup>2</sup> When Bower is thus found correct in one important particular, I know not why we are entitled to distrust him in that other limb of the same sentence, which mentions the existence of Richard in Scotland.

It was originally my intention to have entered into an examination of the diplomatic correspondence which took place subsequent to this period between Albany the governor of Scotland, and Henry the Fourth and Henry the Fifth; in which, I think, it would not be difficult to point out some transactions, creating a presumption that Albany was in possession of the true King Richard. The limits, however, within which I must confine these observations, will not permit me to accomplish this; and any intelligent reader who will take the trouble to study this correspondence as it is given in the *Rotuli Scotiæ*, will not find it difficult to discover and arrange the proofs for himself. I must be permitted, therefore, to step at once from

<sup>1</sup> Fordun & Goodal, vol. ii. p. 441.

<sup>2</sup> Walsingham, p. 377.



this conspiracy of Northumberland, which took place in 1408, to the year 1415, when Henry the Fifth was preparing for his invasion of France. At this moment, when the king saw himself at the head of a noble army, and when every thing was ready for the embarkation of the troops, a conspiracy of a confused and obscure nature was discovered, which, like every other conspiracy against the government of Henry the Fourth and Henry the Fifth, involved a supposition that Richard the Second might still be alive. The principal actors in this plot were Richard earl of Cambridge, brother to the Duke of York, and cousin to the king, Henry lord Scroop of Marsham, and Sir Thomas Grey of Heton in Northumberland; and the only account which we can obtain of it is to be found in a confession of the Earl of Cambridge, preserved in the *Fœdera Angliæ*, and in the detail of the trial given in the Rolls of Parliament, both papers evidently fabricated under the eye of Henry the Fifth, and bearing upon them marks of forgery and contradiction.

According to these documents, the object of the conspirators was to carry Edmund the Earl of March into Wales, and there proclaim him king, as being the lawful heir to the crown, in place of Henry of Lancaster, who was stigmatized as a usurper. This, however, was only to be done, provided (to use the original words of the confession of the Earl of Cambridge) “yonder manis persone, wych they callen Kyng Richard, had nauth bene alyve, as Y wot wel that he wys not alyve.”<sup>1</sup> The absurdity and inconsistency of this must be at once apparent. In the event of Richard being dead, the Earl of March was without doubt the next heir to the crown, and had

<sup>1</sup> *Fœdera*, vol. ix. p. 300.

been declared so by Richard himself; and the avowed object of the conspirators being to place this prince upon the throne, why they should delay to do this, till they ascertain whether the person *calling himself King Richard is alive*, is not very easily seen, especially as they declare, in the same breath, that they are well aware this person is not *alive*. Yet this may be almost pronounced consistency, when compared with the contradiction which follows: for we find it stated, in almost the next sentence, by the Earl of Cambridge, that he was in the knowledge of a plan entered into by Umfraville and Wederyngton, for the purpose of bringing in this very "persone wych they name Kyng Richard," and Henry Percy, out of Scotland, with a power of Scots, with whose assistance they hoped to be able to give battle to the king; for which treasonable intention the earl submits himself wholly to the king's grace. It is difficult to know what to make of this tissue of inconsistency. The Earl of March is to be proclaimed king, provided it be discovered that the impostor who calls himself Richard is not alive, it being well known that he is dead, and although dead, ready, it would seem, to march out of Scotland with Umfraville and Wederyngton, and give battle to Henry.<sup>1</sup>

The account of the same conspiracy given in the Parliamentary Rolls is equally contradictory, and in its conclusion still more absurd. It declares, that the object of the conspirators was to proclaim the Earl of March king, "in the event that Richard the Second, king of England, was actually dead;" and it adds, that the Earl of Cambridge and Sir Thomas Grey had knowledge of a design to bring Thomas of

<sup>1</sup> *Fœdera*, vol. ix. p. 300.

Trumpyngton, an idiot, from Scotland, to counterfeit the person of King Richard, who, with the assistance of Henry Percy and some others, was to give battle to Henry.<sup>1</sup> It was already remarked, in the account of the conspiracy of the old Countess of Oxford, in 1404, that the assertion then made by Henry the Fourth, in a proclamation in Rymer, that Thomas Warde of Trumpyngton "pretended that he was King Richard," was one of those forgeries which this monarch did not scruple to commit to serve his political purposes; none of the contemporary historians giving the least hint of the appearance of an impostor at this time, and Serle, in his confession, not having a word upon the subject. Besides, we hear nothing of Warde till 1404; and we know, from Henry's own proclamation, that Richard the Second was stated to be alive in Scotland as early as June 1402;<sup>2</sup> whilst in 1404, when Warde is first mentioned, he comes before us as having personated the king in England, or rather, as then in the act of personating the king in England. Here, too, by Henry the Fourth's description of him in 1404, he is an Englishman, and in his sound senses; how then, in 1415, does he come to be a Scotsman, and an idiot? The truth seems to be, that Henry the Fifth, in manufacturing these confessions of the Earl of Cambridge, having found it stated by his father that Thomas Warde of Trumpyngton, in 1404, pretended to be King Richard, and that "there was an idiot in Scotland who personated the king," joined the two descriptions into one portentous person, Thomas of Trumpyngton, a Scottish idiot, who was to enact Richard the Second, and, at the head of an army, to give battle to the hero of

<sup>1</sup> Parliamentary Rolls, vol. iv. p. 65.

<sup>2</sup> Rymer, vol. viii. p. 261.

Agincourt. Most of my readers, I doubt not, will agree with me in thinking, that, instead of an idiot, this gentleman from Trumpyngton must have been a person of superior powers.

It is impossible, in short, to believe for a moment that the accounts in the Parliamentary Rolls and in Rymer give us the truth, yet Cambridge, Scroop, and Grey were executed; and the summary manner in which their trial was conducted is as extraordinary as the accusation. A commission was issued to John earl marshal, and eight others, empowering any two of them, William Lasingsby or Edward Hull being one of the number, to sit as judges for the inquiry of all treasons carried on within the county by the oaths of a Hampshire jury. Twelve persons, whose names Carte observes were never heard of before, having been impannelled, the three persons accused were found guilty on the single testimony of the constable of Southampton castle, who swore, that having spoke to each of them alone upon the subject, they had confessed their guilt, and thrown themselves on the king's mercy. Sir Thomas Grey was condemned upon this evidence, of which, says Carte, it will not be easy to produce a precedent in any former reign; but the Earl of Cambridge and Lord Scroop pleaded their peerage, and Henry issued a new commission to the Duke of Clarence, who summoned a jury of peers. This, however, was a mere farce; for the commission having had the records and process of the former jury read before them, without giving the parties accused an opportunity of pleading their defence, or even of appearing before their judges, condemned them to death, the sentence being carried into instant execution.

It is obvious, from the haste, the studied concealment

of the evidence, the injustice and the extraordinary severity of the sentence, that the crime of Cambridge, Scroop, and Grey, was one of a deep dye; and, even in the garbled and contradictory accounts given in the Parliamentary Rolls, we may discern, I think, that their real crime was not the design of setting up March as king, but their having entered into a correspondence with Scotland for the restoration of Richard the Second. That the story regarding March was disbelieved, is indeed shown by Henry himself, who instantly pardoned him, and permitted him to sit as one of the jury who tried Scroop and Cambridge; but that Cambridge, Scroop, and Grey, were in possession of some important secret, and were thought guilty of some dark treason which made it dangerous for them to live, is quite apparent.<sup>1</sup>

It seems to me that this dark story may be thus explained: Scroop and Cambridge, along with Percy, Umfraville, and Wederyngton, had entered into a correspondence with the Scottish faction who were opposed to Albany, the object of which was to restore Richard, and to obtain the return of James, Albany himself being then engaged in an amicable treaty with Henry, with the double object of obtaining the release of his son Murdoch, who was a prisoner in England, and of detaining James the First in captivity. At this moment the conspiracy of Cambridge was disco-

<sup>1</sup> We have seen that Henry directs that one of the two justices who are to sit on the trial shall be either Edward Hull or William Lasingsby; and it may perhaps be recollected that William Lasingsby, Esq. was himself engaged with Northumberland in 1405, in the conspiracy for the restoration of Richard, being one of the commissioners sent into Scotland to treat with Robert the Third and the French ambassadors. It is probable, therefore, that he knew well whether Richard of Scotland was, or was not, the true Richard; and his being selected as one of the judges makes it still more probable, that the real crime of the conspirators was a project for the restoration of the king.

vered; and Henry, in order to obtain full information for the conviction of the principals, pardoned Percy, and the two accomplices Umfraville and Wederyngton, and obtained from them a disclosure of the plot. He then agreed with Albany to exchange Murdoch for Percy; but we learn, from the MS. instructions regarding this exchange, which are quoted by Pinkerton,<sup>1</sup> that a secret clause was added, which declared, that the exchange was only to take place, provided "Percy consent to fulfil what Robert Umfraville and John Witherington have promised Henry in his name." Percy's promise to Henry was, as I conjecture, to reveal the particulars of the plot, and renounce all intercourse with Richard.

This conspiracy was discovered and put down in 1416, and the campaign which followed was distinguished by the battle of Agincourt, in which, amongst other French nobles, the Duke of Orleans was taken prisoner, and became a fellow captive with James the First. In July, 1417, Henry the Fifth again embarked for Normandy; but when engaged in preparations for his second campaign, he detected a new plot, the object of which was to bring in the "*Mamuet*" of Scotland, to use the emphatic expression which he himself employs. I need scarcely remark, that the meaning of the old English word Mamuet, or Mammet, is a puppet, a figure dressed up for the purpose of deception; in other words, an impostor. The following curious letter, which informs us of this conspiracy, was published by Hearne, in his Appendix to the Life of Henry the Fifth, by Titus Livius of Forojulii. "Furthermore I wole that ye commend with my brother, with the chancellor, with my cousin of Northum-

<sup>1</sup> Vol. i. p. 97.

berland, and my cousin of Westmoreland, and that ye set a good ordinance for my north marches ; and specially for the Duke of Orleans, and for all the remanent of my prisoners of France, and also for the King of Scotland. For as I am secretly informed by a man of right notable estate in this lond, that there hath bene a man of the Duke of Orleans in Scotland, and accorded with the Duke of Albany, that this next summer he shall bring in the Mamuet of Scotland, to stir what he may ; and also, that there should be foundin wayes to the having away especially of the Duke of Orleans, and also of the king, as well as of the remanent of my forsaid prisoners, that God do defend. Wherefore I wole that the Duke of Orleance be kept still within the castle of Pomfret, without going to Robertis place, or any other disport. For it is better he lack his disport, than we were disteyned of all the remanent.”<sup>1</sup> With regard to Albany’s accession to this plot, it is probable that Henry was misinformed ; and that the party which accorded with Orleans, was the faction opposed to the governor, and desirous of the restoration of James. The letter is valuable in another way, as it neither pronounces the Mamuet to be an idiot, nor identifies him with Thomas of Trumpyngton.

There is yet, however, another witness to Richard’s being alive in 1417, whose testimony is entitled to the greatest credit, not only from the character of the

<sup>1</sup> Titi Livii Forojul. Vita Henrici V. p. 99. This letter, also, is the first in that very interesting publication of Original Letters, which we owe to Sir Henry Ellis. Neither this writer, however, nor Hearne, have added any note upon the expression, the *Mamuet* of Scotland, which must be obscure to an ordinary reader. The letter itself, and the proof it contains in support of this theory of Richard’s escape, was pointed out to me by my valued and learned friend, Adam Urquhart, Esq.

individual himself, but from the peculiar circumstances under which his evidence was given: I mean Lord Cobham, the famous supporter of the Wickliffites, or Lollards, who was burnt for heresy on the 25th of December, 1417. When this unfortunate nobleman was seized and brought before his judges to stand his trial, he declined the authority of the court; and being asked his reason, answered, that he could acknowledge no judge amongst *them so long as his liege lord King Richard was alive in Scotland*. The passage in Walsingham is perfectly clear and decisive: "*Qui confestim cum summa superbia et abusione respondit, se non habere judicem inter eos, vivente ligio Domino suo, in regno Scotiæ, rege Richardo; quo responso accepto, quia non opus erat testibus, sine mora jussus est trahi et suspendi super furcas atque comburi, pendens in eisdem.*"<sup>1</sup> Lord Cobham, therefore, at the trying moment when he was about to answer to a capital charge, and when he knew that the unwelcome truth which he told was of itself enough to decide his sentence, declares that Richard the Second, his lawful prince, is then alive in Scotland. It is necessary for a moment to attend to the life and character of this witness, in order fully to appreciate the weight due to his testimony. It is not too much to say, that, in point of truth and integrity, he had borne the highest character during his whole life; and it is impossible to imagine for an instant, that he would have stated any thing as a fact which he did not solemnly believe to be true. What, then, is the fair inference to be drawn from the dying declaration of such a witness? He had sat in parliament, and had been in high employments under Richard the Second, Henry the Fourth,

<sup>1</sup> Walsingham, p. 591.



and Henry the Fifth. He was sheriff of Herefordshire in the eighth year of Henry the Fourth, and as a peer had summons to parliament among the barons in the eleventh, twelfth, and thirteenth of that king's reign, and in the first of Henry the Fifth. He was, therefore, in high confidence and employment, and could not have been ignorant of the measures adopted by Henry the Fourth to persuade the people of England that Richard was dead. He sat in the parliament of 1399, which deposed him: there is every reason to believe he was one of the peers summoned in council on the 9th of February, 1399-1400, only four days previous to Richard's reputed death; and that he sat in the succeeding parliament, which met on the 21st of January, 1401. The exhibition of the body at St Paul's, where all the nobility and the barons attended; the private burial at Langley, and the proclamations of Henry, declaring that Richard was dead and buried, must have been perfectly well known to him; and yet, in the face of all this, he declares in his dying words, pronounced in 1417, that Richard the Second, his liege lord, is then alive in Scotland. We have, therefore, the testimony of Lord Cobham, that the reputed death of Richard in Pontefract castle, the masses performed over the dead body at St Paul's, and its burial at Langley, were all impudent fabrications. It is, I think, impossible to conceive evidence more clear in its enunciation, more solemn, considering the time when it was spoken, and, for the same reason, more perfectly unsuspicious.

I know not that I can better conclude these remarks upon this mysterious subject, than by this testimony of Lord Cobham, in support of the hypothesis which I have ventured to maintain. Other arguments and

illustrations certainly might be added, but my limits allow me only to hint at them. It might be shown, for instance, that not long after Sir David Fleming had obtained possession of the person of Richard, Henry the Fourth engaged in a secret correspondence with this baron, and granted him a passport to have a personal interview; it might be shown, also, that in 1404, Robert the Third, in his reply to a letter of Henry the Fourth, referred the English king to David Fleming for some particular information; that Henry was about the same time carrying on a private negotiation with Lord Montgomery, to whom the reader will recollect Richard had been delivered; whilst there is evidence, that with the Lord of the Isles, and with the chaplain of that pirate prince, in whose dominions Richard was first discovered, the king of England had private meetings, which appear to have produced a perceptible change in the policy of Henry's government towards Scotland. I had intended also to point out the gross forgeries of which Henry had condescended to be guilty, in his public account of the deposition of Richard, in order to show the very slender credit which is due to his assertions regarding the death and burial of this prince; but I must content myself with once more referring to Mr Webb's Notes on the Metrical History of the Deposition of Richard, from which I have derived equal instruction and amusement.

In conclusion, I may observe, that whatever side of the question my readers may be inclined to adopt, an extraordinary fact, or rather series of facts, is established, which have hitherto been overlooked by preceding historians. If disposed to embrace the opinion which I have formed after a careful, and, I trust, im-

partial examination of the evidence, the circumstance of Richard's escape, and subsequent death in Scotland, is a new and interesting event in the history of both countries. If, on the other hand, they are inclined still to believe the ordinary accounts of the death of this monarch in 1399, it must be admitted, for it is proved by good evidence, that a mysterious person appeared suddenly in the dominions of Donald of the Isles; that he was challenged, by one who knew Richard, as being the king in disguise; that he denied it steadily, and yet was kept in Scotland in an honourable captivity for eighteen years, at great expense; that it was believed in England by those best calculated to have accurate information on the subject, that he was the true King Richard; and that, although his being detained and recognized in Scotland was the cause of repeated conspiracies for his restoration, which shook the government both of Henry the Fourth and Henry the Fifth, neither of these monarchs ever attempted to get this impostor into their hands, or to expose the cheat by insisting upon his being delivered up, in those various negotiations as to peace or truce which took place between the two kingdoms. This last hypothesis presents to me difficulties which appear at present insurmountable; and I believe, therefore, that the chapel at Stirling contained the ashes of the true Richard.

I entertain too much respect, however, for the opinion of the many learned writers who have preceded me, and for the public judgment which has sanctioned an opposite belief for more than four hundred years, to venture, without farther discussion, to transplant this romantic sequel to the story of Richard the Second into the sacred field of history. And it is

for this reason that, whilst I have acknowledged the royal title in these Remarks, I have expressed myself more cautiously and hypothetically in the body of the work.<sup>1</sup>

<sup>1</sup> The critical reader is referred to an able answer to these "Remarks," by Mr Amyot, in the twenty-third vol. of the "Archæologia," p. 277 ; to some additional observations by the same gentleman, Archæologia, vol. xxv. p. 394 ; to a critical "Note," by Sir James Macintosh, added to the first volume of his "History of England ;" to a "Dissertation on the Manner and Period of the Death of Richard the Second," by Lord Dover ; to observations on the same historical problem, by Mr Riddell, in a volume of Legal and Antiquarian Tracts, published at Edinburgh in 1835 ; and to some remarks on the same point by Sir Harris Nicolas in the Preface to the first volume of his valuable work, the "Proceedings and Ordinances of the Privy Council of England," Preface, p. 29 to 32.



## NOTES AND ILLUSTRATIONS.

**VOL. II.**

**2 K**



## NOTES AND ILLUSTRATIONS.

---

LETTER A, page 72.

THE Record of the proceedings of the parliament held at Perth on the 13th of January, 1364, is valuable, and has never yet been published ; I therefore subjoin it, from the cancelled volume "Robertson's Parliamentary Records."

*Apud Perth in Domo fratrum predicatorum die tercio decimo mensis  
Januarii anni domini millesimi trecentesimo sexagesimi quarti.*

Constitutis et comparentibus coram domino nostro rege tanquam in suo consilio generali venerabilibus in Christo patribus dominis Sancti Andree Donkeldensis, Brechynensis, Rossensis, et Candide case ecclesiarum, episcopis De Dunfermelyn de Aberbroth de Passeleto de Scona de Kylwynnyne et de Cupro abbatibus Et dominis Roberto senescallo Scocie Comite de Stratherne, Willielmo Comite de Rosse, Johanne Senescallo domino de Kyle, Willielmo de Keth marescallo Scocie, Roberto de Erskyn, Archembaldo de Douglas, Hugone de Eglyntoun, Waltero et Alexandro de Haliburtoun, David de Grame, Alexandro Senescallo, Willielmo de Dyssyntoun, Rogero de Mortemer, David Fleming, David de Anandia, et Roberto de Ramesay militibus, Alano de Erskyn, Malcolm Fleming, Willielmo de Nevhyggyng, et Willielmo de Melgdrom, Johanue Wygmer, Adam Tor, Johanne Crab, Adam Pyngle, Johanne Mercer, Johanne Gil, Willielmo de Harden, et Eliseo Falconier, Conuocatisque aliis ad huiusmodi consilium vocari consuetis et ad negocia infrascripta citatis et recitatis articulis siue punctis reportatis a tractatu nuper habito cum rege et consilio Anglie per nuncios vltimo illuc missos videlicet Dominum Willielmum episcopum Sancte Andree Dominum Robertum de Erskyn militem Magistros Walterum de Wardlau et Gillebertum Armistrang prout continetur inferius fuit per modum qui sequitur



concordatum videlicet Quod eorum omnium plena fuit intencio et assensus quod tractatus super bona pace reformanda et habenda perpetuo cum rege et regno Anglie acceptetur per vias modos et condiciones subscriptas, et quod si tractatus huiusmodi super pace forte deficiat, fiat tractatus super treugis habendis per redempcionem regis soluendam, si possit haberi vt inferius est contentum ad quod nuncium faciendum eosdem prenominatos nuncios concorditer elegerunt.

Primo quidem quo ad primum articulum seu punctum reportatum vt permittitur quod scilicet dominis exheredatis existentibus in Anglia de regno Scocie restituantur terre sue *ita ordinatum est ad tractandum* quod quinque persone *alias nominate in diuersis tractatibus* videlicet Comes Atholie, domini de Percy, de Beaumont, de Talbot, et de Ferrera, *pro bono pacis* rehabeant terras suas Eciam pro bona pace habenda quod aliis diuersis videlicet Dominis Godfrido de Roos Patricio Macowlach Edwardo de Lechmere et Willielmo de Westheryngton sint sue hereditates restitute et quod dominus Alexander de Mowbray habeat ad summam centum marcatarum terre Etiam quod illi de regno Scocie qui fuerunt ad pacem regis Anglie videlicet existentes in Marchiis gaudeant terris suis Eciam quod ad terras quas vendicant heredes quondam domini de Walris infra regnum Scocie videtur prenotatis dominis super ipsis esse tractandum et quod si de aliis punctis concordari poterit ad bonam pacem non esse sic standum per hoc vt aliis concurrentibus impediatur tractatus.

Secundo quo ad terras concedendum *filio juniore* regis Anglie concordatum fuit sic esse tractandum quod mille librate terre infra Galwydiam que fuit hereditas quondam Edwardi de Balliolo concedantur eidem hereditarie eciam et similiter de Insula de Man que est valoris mille marcatarum cum tenendiis et pertinenciis earundem quod si ad hoc concordari non possit quin Comes de Salisberi habeat dictam insulam per ipsum tractatum concedatur et tractetur quod dicto filio regis Anglie loco illarum mille marcatarum de Man mille marce stirlingorum per annum de certis redditibus hereditarie sint concessæ quousque terre ad eundem valorem sibi valeant assignari ita tamen quod vterque pro eisdem terris sit homo legius domini nostri regis Scocie.

Tertio quod pro bona pace habenda et omnimodis accionibus et reprobacionibus finaliter sedandis ad hoc tractetur secundum quod nuncii domini nostri regis viderint melius expediri vt dominus noster rex faciat guerram fieri ad tempus infra aliquas partes Hybernæ ad quas sui commodius accedere poterunt per potenciam vias et modos rationabiles et possibiles consideratis marchiis regni Scocie et Hybernæ quibus sibi et suo consilio visum fuerit faciendum.

Preterea de tractatu habendo super pace reformanda si forte premissa omnia non sint accepta per partem aduersam, nec vellet per hoc assentiri ad pacem, volunt predicti domini et vnanimi consensu concordarunt antequam bona pax et perpetua relinquatur, omnino, quod concedatur solucio redempcionis debite tollerabiliter facienda, nec non mutua confederacio regnorum perpetuo, quamuis non per equalem potenciam, que tamen nullo modo sapiat seruitutem, vna cum omnibus supradictis si eorum aliqua nullo modo recindi valeant modificari uel minui per fidelem industriam tractatorum verum concessio terre vallis Anandie que petita est alias relinquatur regie voluntati.

Ceterum concordauerunt predicti domini congregati si forte defecerit tractatus pacis per vias pretactas tractandum esse super treugis et solucione redempcionis reformanda sic scilicet primo quod pro remissione et sedacione omnium penarum et reprobacionum remittantur penitus vinginti mille marche iam solute et deinde quod soluantur per annum quinque mille marche quousque sexies vinginti mille marche sint solute treugis durantibus pro tempore solucionis predictæ viz. ad vinginti quatuor annos que si non valeant acceptari tractetur postea quod centum mille libre soluantur pro omnibus supradictis remittendo etiam vt supra vinginti mille marchas solutas et incipiendo de nouo vt omni anno soluantur quinque mille marche prorogatis treugis pro toto tempore solucionis vt supra quibus omnibus forte deficientibus affirmetur finaliter quod dictis vinginti mille marchis solutis omnino remissis soluantur centum mille marche infra decem annos quolibet anno videlicet decem mille marche prout in primo tractatu super deliberacione regis extitit concordatum.

Item ordinatum fuit per dictum consilium quod pecunia pro redemptione soluenda sic leuetur vt scilicet tocus lane regni custuma ad summam octo mille marcharum per annum ad minus ascendere estimetur, que vero custuma si tanta fuerit vel vberior per certos burgenses committendos per regem et eciam per literas sub comuni sigillo burgorum de quibus fuerint et sub periculo communitatum eorundem recipiatur in Flandria in moneta regis Anglie ita tamen quod sit aliquis sufficiens ex parte regis ibidem qui astet continue et examinet ad domum ponderandi et sic fiat ibi solucio de octo mille marchis per annum vt in dicto primo tractatu est contentum ita quod intelligatur dicta solucio fieri si processum fuerit ad vltimam viam soluendi aliis recusatis.

Item ordinatum fuit quod fiat eciam contribucio omni anno, durante dicto decennio, sex denariorum de libra per totum, que leuetur per certos collectores annuatim eligendos, nulle persone parcendo, de qua per camerarium et aliam sibi per regem adiungendam personam

sumantur. primo ante omnia alia, due mille marche per annum ad solutionem dictarum decem mille marcharum redempcionis complendum, residuum ipsius contribucionis permaneat cum camerario pro necessariis sumptibus domini nostri regis. manuceperunt eciam et efficaciter promiserunt prenominati domini omnes et singuli quod tractatum pacis siue treuge que dicti nuncii inient siue perficient cum rege Anglie et suo consilio per modos et vias prenotatas approbabunt ratificabunt confirmabunt et sub pena reprobacionis et periurii perficient in omnibus et inuiolabiliter obseruabunt et eciam quod ordinacionem factam pro contribucione leuanda et solutione redempcionis facienda tenebunt fideliter et implebunt nec ipsam in se vel in suis hominibus impediunt aut ei in aliquo contradicent.

Similiter quod non impetrabunt nec exigent clam vel palam pro se vel pro aliis a domino nostro rege aliquas terras wardas releuia vel maritagia finis vel escaetas medio tempore contingentes sed remanebunt integre in manibus camerarii ad vtilitatem regis vna cum residuo dicti contribucionis vt est dictum in casu quo per dictam vltimam viam concordetur super treugis et summa redempcionis soluenda et quia si premissa non seruarentur sed procederetur forsitan in oppositum eorundem manifeste sequeretur annullacio contractus initi in obprobrium et graue dispendium regis prelatorum et procerum necnon destructionem totius communitatis regni.

Promiserunt omnes et singuli dicti domini congregati fideliter et tactis sacrosanctis euuangeliiis personaliter iurauerunt quod contra quemcunque premissa vel premissorum aliquod infringentem impediuntem seu contradicentem in aliquo cum sua tota potentia insurgent concorditer tanquam contra rebellem regis et rei publice subuersorem ac ipsum infractorem impeditorem seu contradictorem ad obseruacionem predictorum compellent sub pena reprobacionis et periurii vt premittitur et sub pena pariter fidelitatis sue infracte contra regiam maiestatem In cuius rei testimonium sigilla prenominatorum prelatorum et sigilla dicti domini Senescalli Scocie Comitis de Stratharne et domini Patricii Comitis Marchie et Moraue et domini Willielmi Comitis de Douglas qui ad premissa omnia et singula suum consilium adhibuerunt et consensum in presencia domini nostri regis apud Edinburg corporali prestitito iuramento licet personaliter non interfuerit cum ordinarentur primitus apud Perth vna cum sigillis domini predicti Comitis de Ross et aliorum procerum predictorum nec non communibus sigillis burgorum de Edinburg Abriden Perth et Dunde presentibus sunt appensa Acta et data anno die et loco predictis.

## LETTER B, page 79.

## ORDINATIO CONSILII.

*Octavo die Maii anni millesimi trecentesimo sexagesimi sexti apud  
monasterium Sancti Crucis.*

Fuit per consilium ordinatum In primis quod cum super quatuor punctis videlicet homagio, successione, regni demembracione, ac subsidio gencium armorum perpetuo, per regnum Socie regno Anglie et eciam infra propria duo regna et vltra per regnum Socie extra regnum Anglie impendendo, fuisset aliquandiu tractatum *finaliter refutatis primis tribus punctis tanquam intollerabilibus et non admissibilibus deliberatum* extitit fore super quarto puncto tractandum per nuncios a parlamento mittendos cum modificacione possibili habenda super eodem quarto puncto et in casu quo per quartum punctum tolerabiliter modificatum finalis pax haberi non valeat vt petitur deliberatum, extitit quod iterum taxenter secundum verum valorem et antiquum per totum regnum terre et redditus tam ecclesiastici quam alii, et ipse taxationes ad parlamentum presententur, et eciam quod scribatur vicecomitibus quod ad certos dies sibi nominandos in scripto citari faciant coram ipsis diuites patrie et plebanos qui ad parlamentum non erunt, nec voluerunt permittere interesse ibidem, ad quos dies eciam erunt certe persone deputande per regem vel camerarium, et queratur a quolibet singillatim et ponatur in scripto quantum quisque dare voluerit gratis ad redempcionem regis infra tres annos proximo futuros complete soluendam, et ipse donaciones ibidem pariter presententur, ad finem quo dicto tractatu pacis deficiente, habeatur saltem in fine quatuor annorum quibus treuge sunt iam firmate totum residuum redempcionis Domini nostri regis in promptu soluendum vt vitari valeant omnes reprobaciones et pene si que per partem aduersam possent inpingi vel peti per instrumenta super magnis treugis et liberacione regis confecta.

## DE MONETA FABRICANDA.

Item quod fabricetur moneta de materia iam allata in regnum *talis qualem fecit magister Jacobus in pondere et metallo* ita quod in hiis equipollet monete currenti in Anglia et fiat in ipsa signum notabile per quod possit ab omni alia prius fabricata euidenter cognosci quousque in proximo parlamento possit super hoc maturius auisari Et interim super mercede monetarii et operariorum conueniat camerarius pro parte regis cum ipsis prout melius poterit conuenire.<sup>1</sup>

<sup>1</sup> Robertson's Parliamentary Records, pp. 104, 105.

## LETTER C, page 84.

*Parlamentum tentum apud Sconam vicesimo die Julii anno gracie millesimo trecentesimo sexagesimo sexto ei regni Domini nostri regis David tricesimo septimo summonitis et vocatis more debito et solito episcopis abbatibus prioribus comitibus baronibus libera tenentibus qui de Domino nostro rege tenent in capite et de quolibet burgo certis burgensibus qui ad hoc fuerunt ex causa summoniti comparentibus omnibus illis qui debuerunt potuerunt vel voluerunt commode interesse absentibus vero quibusdam aliis quorum aliqui legitime excusati fuerunt aliqui vero quasi per contumaciam absentarunt videlicet Willielmus Comes de Rosse Hugo de Ross Johannes de Insulis Johannes de Lorn et Johannes de Hays.*

Cum ipsum parlamentum principaliter inter cetera fuerit statutum ad deliberandum de consensu et assensu illorum quorum supra super tractatu pacis habendo cum rege et regno Anglie in forma et super punctis vltimo reportatis per nuncios et super plenaria solucione redempcionis domini nostri regis facienda in fine treugarum iam per triennium duratarum in casu quo pax interim reformari aut vltiores treuge haberi non poterunt et super necessariis expensis regis et suorum nunciorum tunc mittendorum in Angliam Primo et principaliter super negociis pacis fuerat ordinatum quod nuncii adhuc mitterentur in Angliam qui fuerunt nuper illic videlicet dominus episcopus Sancti Andree Dominus Robertus de Erskyn Magister Walterus de Wardlau et Gillebertus Armistrang sicut aliam planam commissionem habentes ad tractandum de pace vt bona et perpetua possit firmari inter regna concedendo omnia que in primo instrumento facto sub sigillis dominorum fuerunt pro pace concessa et vltra tractando super quarto puncto videlicet subuencione guerratorum mutuo facienda quanto melius et ad minus grauamen fieri poterit sicut in vltimo instrumento sub sigillis vt supra inde facto super eodem puncto onerati fuerunt.

Et vltius hoc tractatu deficiente ad tractandum super prorogacione treugarum ad viginti quinque annorum exitum soluendo summam redempcionis que restat soluenda videlicet quolibet anno quatuor millia librarum vt habebatur alias in tractatu. Quantum vero ad secundum punctum sic ordinatum fuit, quod cum iam habeatur in certo per presentaciones hic factas tam antike extenti quam veri valoris omnium reddituum ecclesiarum et terrarum tam ecclesiasticarum quam mundanarum taxentur eciam omnia bona burgensium et husbandorum preter oues albas ad presens, et infra festum natiuitatis

beate virginis proximo futurum apud Edinburgh consilio presententur et tunc habita totali summa veri valoris omnium bonorum tocius regni ordinabatur contribucio leuenda generaliter et adequabitur libra libre vt leuentur extunc incontinenti octo mille marce ad expensas regis et ad eius debita soluenda in regno, et ad expensas nunciorum et non plus, cum magna custuma ordinetur ad dictam solucionem quatuor mille librarum pro redempcione vt premittitur facienda quousque nuncii reuertantur et ex hoc posset ordinacio quo ad tercium punctum videlicet. Quod cum dominus noster rex ordinaueret pro certiori magnam custumam suam ad solucionem dictarum quatuor mille librarum pro sua redempcione facienda, per annum, dicte quatuor mille libre leuentur de dicte contribucione leuenda et duo millia marcharum eciam de eadem contribucione mille marche videlicet ad soluenda debita regis et ad expensas suas interim faciendas et mille marce ad expensas nunciorum que quidem duo millia marce sic mutuata fuerunt vt haberentur in promptu videlicet per barones mille marche per clerum sexcente marche et per burgenses quadringinte marce que sibi refundentur cum dicta contribucio fuerit leuata. Plegiis ad solucionem faciendam burgensibus Domino Roberto de Erskyn et Domino Walterro de Bygar camerario Scocie.

Et fuit in dicto parlamento ad instanciam trium communitatum per regem expresse concessum et eciam publice proclamatum primo quod vnique fiat communis iusticia sine fauore cuiquam faciendo et absque acceptione cuiuscunque persone et quod litere que emanauerint de capella regis aut aliter per alios ministros quibus incum bit facere iusticiam pro iusticia facienda non renocentur per quascunque alias literas sub quocunque sigillo sed quod liceat ministris quibus tales litere destineantur ipsis non obstantibus iusticiam facere ac ipsas remittere indorsatas.

Item quod cum communitates se iam onerauerint ad tam onerosam solucionem faciendam tam pro redempcione domini nostri regis facienda, quam pro ipsius et nunciorum suorum necessariis et expensis, nichil de hiis que ad hoc ordinantur applicetur ad vsus alios quoscunque ex dono remissione vel aliter sed solum ad ea ad que sunt vt premittitur singulariter ordinata.

Item quod viri ecclesiastici et terre sue elemosinate gaudeant suis libertatibus et priuilegiis et quod nulla alia onera vel impositiones sint eis imposite vltra onera in parlamento concessa et si qui sint impeditores assedacionis decimarum quod arceantur per regem ad querelam ipsorum qui in hoc grauati fuerint sic quod suis decimis possint pacifice et cum integritate gaudere sub pena excommunicationis quo ad clerum et decem librarum penes regem.

Item quod nichil capiatur a communitatibus ad vsus regis sine

prompta solucione nec eciam aliqua capiantur ad pricam nisi vbi et secundum quod fieri consuevit et debet fiat infra tempus consuetum et debitum solucio prompta et debita pro eisdem.

Item quod isti rebelles videlicet de Atholia Ergadia Baydenach Lochaber et Rossia et alii si qui sint in partibus borealibus aut alibi arestentur per regem et ipsius potenciam ad subeundam communem iusticiam et ad contribucionem specialiter exsoluendam et aliter corigantur prout ad pacem vt vtilitatem communitatis et regni magis fuerit oportunum.

Item quod omnes officarii regis videlicet vicecomites et alii inferiores ministri tam infra burgum quam extra obediant camerario et aliis superioribus ministris sub pena amocionis eorundem ab ipsorum officiis sine spe restitutionis imposterum ad eadem.

Item quod non mittantur aliqui cum equis ad perhendingandum cum religiosis rectoribus vicariis aut husbandis nec aliqui cum quibuscunque equis mittantur in patriam qui consumant bona blada vel prata husbandorum vel aliorum aut aliquis hoc facere presumat sub pena que pro huiusmodi debet infligi pro quantitate delicti et qualitate persone.

Item quod remissiones regis concesse vel concedende pro quibuscunque transgressionibus sint casse et nulle nisi satisfiat parti infra annum a data earundem nisi forte manifeste steterit per illos quorum interest et de hoc illi quibus concesse fuerint remissiones huiusmodi fecerint sufficientur doceri.

Item quod camerarius faciat in singulis burgis iuxta locorum facultates de hospitiiis competentibus prouideri.

Item quod nullus prelatus comes vel baro vel alius cuiuscunque condicionis existat ecclesiasticus vel secularis equitet cum maiori familia in personis vel equis quam deceat statum suum ad destructionem patrie quodque nullus ducat secum lanceatos vel architenentes equitando per patriam nisi causa rationabilis subsistat de qua ministri regis super hoc questionem facientibus fidem facere teneantur sub pena incarcerationis corporum eorundem.

Item quod quilibet iter faciens sine moram per regnum solucionem faciat suis hospitibus et aliis de quibuscunque receptis et expensis suis vtroque rationabiliter et secundum forum patrie sic quod exinde nulla iusta querimonia audiatur sub pena.

Item quod dominus noster rex faciat omnia et singula prenotata sub sigillo suo in scripto redigi et per singulos vicecomites publice proclamari.<sup>1</sup>

<sup>1</sup> Robertson's Parliamentary Records, pp. 105, 106.

## LETTER D, page 87.

*Acta in parlamento tento apud Sconam vicesimo septimo die mensis Septembris cum continuacione dierum anno gracie millesimo trecentesimo sexagesimo septimo conuocatis tribus communitatibus regni congregatis ibidem Quedam certe persone electe fuerunt per easdem ad parlamentum tenendum data aliis causa autumpni licencia ad propria redeundi videlicet.*

Ex parte cleri electi fuerunt domini episcopi Sancti Andree Glasguensis Morauiensis Brechinensis Cancellarius et Dumblanensis Prior Sancti Andree, Abbates de Dunfermelyn, de Aberbroth, et de Luncors, de clero eciam Sancti Andree, prepositus Sancti Andree, et Magister Alexander de Caroun de clero Glasguensis, Dominus Johannes de Carric Procurator Episcopi de Dunkelden cantor eiusdem, Procurator Episcopi Abirdonensis Magister David de Marre, et Procurator Episcopi Rossensis, Decanus eiusdem.

Pro parte vero baronum Domini Senescallus Scocie Comes de Strath-erne, Comes de Marr, Domini de Kyle et de Meneteth, Domini Willielmus de Keth marescallus Scocie, Robertus de Erskyn, Archibaldus de Douglas, Walterus de Lesley, Walterus de Haliburtoun, Hugo de Eaglyntoun, David de Grame, Duncanus Wallays, David Walteri &c. absentibus contumaciter Comitibus de Marchia, de Ross, et de Douglas.

Et pro parte burgensium electi de Edynburgh Adam de Brounhill, et Andreas Bec, de Aberden, Willielmus de Leth, et Johannes Crab, de Perth, Johannes Gill et Johannes de Petscoty, de Dunde, Willielmus de Harden, et Willielmus de Innerpeffre, de Monross, Elisieus Falconar et Thomas Black, de Hadyngstoun Johannes de Heetoun et Magister Willielmus de Tauernent, et de Lychen Thomas Lethe.

Cum super tribus punctis determinandis fuerit presens parlamentum ordinatum principaliter teneri. Primo videlicet quo ad modum viuendi regis, super quo dicti domini congregati deliberant per hunc modum videlicet quod vt dominus rex viuere possit, et debeat sine oppressione populi, omnes redditus firme, cane, custume, foreste, et officia ac alia emolumenta quecunque ac omnes terre tam dominice quam alie, in quorum possessione vt de feodo immediate recolende memorie dominus rex Robertus pater domini nostri regis qui nunc est, fuit tempore mortis sue, et quarum possessio siue proprietas ad jus et proprietatem corone tempore regis Roberti, aut tempore regis Alexandri, pertinere consuevit et debuit, cum reuersionibus debitis, ratione corone, et que reuersiones medio tempore contigerunt, eciam si dicte terre redditus et firme cane custume foreste et alia emolumenta que supra sint per dictum quondam dominum regem Robertum



aut per dominum nostrum regem qui nunc est, aliquibus personis vel locis donata vel concessa ad certum tempus iam transactum vel sub certa limitacione condicione seu talliacione finita et extincta, et similiter terre per ipsum dominum nostrum regem vel suum camerarium assedate ad tempus, licet terminus seu exitus nondum venerit, plene et integre ab illis qui eas et ea hactenus habuerunt et ab omnibus aliis imposterum ad dictum nostrum regem et suam coronam reuocentur et redeant, cum ecclesiarum aduocacionibus, et debitis antiquis seruiciis perpetuo remansure, nec vnquam concedantur illis aut aliis nisi solum ex deliberacione et consensu trium communitatum. Et si illi quibus terre huiusmodi fuerunt concessæ, habeant iam ipsorum aliquas in sua propria cultura, redactas, non assedatas ad firmam, compellantur ad soluendum tantam firmam ad terminum Sancti Michaelis proximo futurum pro ipsis terris pro quanta ille terre vel alique alie eque bone, posent in presenti rationabiliter et fideliter assedari, et quod omnes warde releuia maritagia et escaeta ac exitus curiarum regis quarumcunque remaneant ad sustentacionem domus sue in manibus camerarii pro vtilitate domini nostri regis disponenda, et cum dominus noster rex aliquem pro merito promouere vel remunerari voluerit, hoc fiat tantum de mobilibus et cum bona deliberacione consilii si quis autem remunerationem seu promociorem a domino rege impetraverit et ipsum male informauerit de valore uel summa cum fuerit comperit quod ipse valor vel summa maior fuerit per quantitatem excessiuam ita quod impetracio illa surreptitia possit notari ipsam promotionem seu remissionem omnino amittet et reprobacionem incurret merito debitam in hoc casu; aut si aliquis impetraverit a domino rege de dictis demaniis, seu terris reuersionibus et reuocationibus aliquam partem notabilem tanquam a rege et suo consilio, reprobandus penam subibit debitam et carebit nichilominus impetracione.

Item deliberant pro vtilitate communi quod omnes regalitates libertates, infeodaciones, infeodacionum innouaciones, per quas warde, releuia, maritagia, secte curiarum aut alia quecumque seruicia communia domini nostri regis diminuta sunt in aliquo vel subtracta post mortem domini dicti regis Roberti, quibuscunque partibus; de nouo concessa reuocentur et cessent, omnino, et seruicia subeant communia cum vicinis prout facere consueuerunt ante concessam huiusmodi iber tatem antiquis regalitatibus libertatibus et immunitatibus in suo robore permansuris, et quod omnes carte et munimenta super reuocacionibus et reuersionibus vel aliqua eorum confecte vel confecta hactenus, reddantur et restituantur apud Perth in scaccario, ibidem tenendo, in manus cancellarii et camerarii, infra quindecim dies festum epiphanie domini proximo futurum immediate sequentes, et nichilominus si alique carte vel munimenta huiusmodi penes personas aliquas

abinde remanserint non redditae vel non redditae ex tunc casae irrite et nulle casae irritae et nulla habeantur et perpetuo nullius sint momenti.

Secundum punctum videlicet quantum ad municionem castrorum requiratur in paruo registro. Quantum vero ad tertium punctum videlicet disposicionem et statum regni deliberant quod si aliqua motina de nouo occurrant pro parte regis Anglie vel pro parte nostra vltra alios tractatus per nuncios regni et per communitates negataque inducere poterunt bonam rationabilem et tollerabilem pacem vel treugarum prorogacionem vtilem habeant dominus noster rex et illi quos ipse ad tunc propinquius habere poterit de suis consiliariis iuratis vicem et potestatem liberam prelatorum et procerum in hoc parlamento congregatorum eligendi nuncios et taxandi eorum expensas secundum laborem et negociorum exigenciam et personarum eligendarum qualitatem et statum absque conuocacione super hoc parlamenti seu alterius consilii cuiuscunque, et quod propter promptitudinem et certitudinem solucionis redempcionis habende tota magna custuma leuatur ad ipsam solucionem faciendam videlicet viginti solidi de sacco. Et ordinatur quod ad nullum aliud applicetur, et vt patet ex deliberacione et ordinacione premissorum, cum ipsis demaniis alia propria domini regis redire debent ad manus suas, et reuertuntur. Inter que comprehenditur dimidia marca que solet solui de sacco lane, et sic proportionaliter de aliis mercandisiis consimilibus ad custumas. Habeant eciam dominus rex et illi quos ipse ad tunc propinquius habere poterit vicem et potestatem, vt supra ad ordinandum quasi per communem contribucionem leuari quantum recompensare valeat cum domino nostro rege ad sustentacionem domus sue, pro illa dimidia marca de custuma recepta ad solucionem redempcionis antedictae, quando scilicet saccum ad plenum videlicet in exitu scaccarii in proximo tenendi de custuma integra mercatorum ad quantum videlicet ascenderit vsque ad nonam lanam. Et sic si quid ad dictam recompensacionem faciendam leuatum aut contributum fuerit non erit tanquam ad expensas domus regis sed ad supplecionem redempcionis eius tantum vt patet ex precedentibus ad quam solucionem redempcionis tota communitas obligatur.<sup>1</sup>

<sup>1</sup> Robertson's Parliamentary Records, pp. 108, 109.

## NOTE E, page 93.

*Parlamento tento apud Seonam duodecimo die mensis Junii cum continuatione &c. anno domini millesimo trecentesimo sexagesimo octauo conuocatis prelatiis proceribus et burgensibus qui tunc voluerunt et potuerunt personaliter interesse aliis per commissarios comparentibus aliis autem contumaciter absentibus.*

Cum per relationem nunciorum nuper missorum ad curiam et presenciam regis Anglie domino nostro regi et toti communitati fuerit expresse nunciatum, quod non proficit inire nec attemptare tractatum cum rege et consillio Anglie super pace habenda, nisi per deliberacionem et commissionem generalis consilii regis, et regni mittatur ad tractandum in bona fide super vno quatuor punctorum, principaliter, concedendo alias per ipsos aduersarios petito vna cum aliis diuersis articulis ipsis punctis adiunctis ex parte omnium congregatorum in parlamento presenti. Habito per quatuor dies, et amplius, super premissis diligenti consilio et deliberacione matura deliberatum, fuit finaliter, quod cum adhuc restent treuge siue inducie vltimo capte et concordate inter regem et regnum vsque videlicet ad festum Purificationis proximo futurum et deinde per vnum annum continuum et a tunc vsque rex fuerit per regem Anglie sub magno sigillo suo per dimidium anni spacium ante incepcionem guerre premunitus, non adhuc oportet nec expedit inire nec attemptare tractatum super aliquo dictorum punctorum concedendo, que alias in pleno parlamento ad quod plures et maiores interfuerunt quam nunc sunt hic presentes per tres communitates vnanimiter fuerant denegata, *que tanquam inconueniencia, intolerabilia et impossibilia obseruari reputabantur et expressam, inducencia seruitutem*, verum non deliberant quin aliter forte aliis deficientibus secundum quod tunc opportunum et expediens visum fuerit, possit attemptari in bona fide tractatus super ipsorum punctorum aliquo, cum punctis, articulis et moderacionibus, seruitutem per Dei graciā finaliter expellentibus si opportuerit concludendum.

Item deliberant quod quia necessarium est providere atque disponere super et pro defensione regni omnes dissensiones mote inter magnates et nobiles aliter quam per viam iusticie communis festinanter sopiri debeant et sedari per regem ita quod nullus inquietet alium aliter quam per processum communis iusticie quam quidem dominus noster rex vnique debeat semper administrare equaliter sine fauore aliquo et acceptione personarum.

Item diliberant quod insulani et illi de superioribus partibus compescantur per regem et Senescallum Scocie ne dampna inferant aliis

sed quod in euentu guerre *possint communitates tutum habere refugium inter eos*. Et sic dominus noster rex ibidem viua voce precepit et iniunxit expresse Senescallo Scocie, Comiti de Marre, Johanni Senescallo Domino de Kyle, et Roberto Senescallo, Domino de Meneteth, in fide et ligancia quam sibi debent et sub pena que incumbit quod ab omnibus existentibus, infra limites dominiorum suorum seruent communitates regni indempnes. Et quod scienter voluntarie seu inquantum obsistere poterunt malefactores aliquos dampna aliis illaturos per ipsos limites transire aut in ipsis receptari non permittant sub pena vt supra.

Item quod dominus noster rex statim sine more dispendio faciat Johanni de insulis per modum tactum inter ipsum et Senescallum Scocie ibidem et similiter Johanni de Loorn ac Gillaspic Cambel venire ad suam presenciam, et de ipsis securitatem capiat sufficientem per quam tota regni communitas ab eis et suis hominibus et adherentibus et quilibet eorum ab alio de cetero sint indempnes. Et eciam faciat quod ipsi et sui homines subeant labores et onera cum suis comparibus et vicinis.

Preterea videtur dictis dominis congregatis ad cautelam et securitatem maiorem quod dominus noster rex debeat scribere statem adhuc, cum instancia, regi et consilio Anglie super diebus reparacionum et emendacionum petendis teneri et assignandis de dampnis et iniuriis factis et illatis super marchiis iuxta colloquium factum inter ipsos in parlamento presenti.

Et deliberant quo ad custodias marchiarum quod statim dominus noster rex habeat consilium cum Comitibus Marchie et de Douglas alias constitutis custodibus marchiarum in oriente licet non sint iam bene dispositi ad laborem et secundum auisamentum eorum et consilium custodes constituat celeriter et prudenter sed in occidentibus partibus remaneat Dominus Archibaldus de Douglas custos sicut prius.

Et quantum ad castra deliberant, quod dominus noster rex mittat cum camerario Scocie hos milites subscriptos videlicet Dominos Walterum de Leely, Walterum de Haliburtoun, Hugonem de Esglintoun, et Walterum Moygne vna cum custodibus castrorum quos ipse dominus noster rex habere voluerit ad quatuor castra regia, videlicet Lacus de Leuyn, Edynburgh, Striuelyn, et Dunbartan, visitanda et quod secundum quod per visum ipsorum dicta castra indiguerint tam in hominibus tempore guerre quam in municione murorum in victualibus instrumentis et aliis necessariis ad ipsa castra debite et decenter tenenda contra hostes sine dilacione aliqua eis faciat prouideri. Et quod aut per dictos milites aut per alios prouidos et circumspectos rex faciat indilate visitari alia castra et si inuenerint ea defensibilia et inexpug-

nabilia inter ipsum et dominos in quorum dominiis siue custodiis ipsa castra fuerint situata ordinetur celeriter de munitione ipsorum tam in hominibus quam in victualibus et aliis necessariis vt supra finanter absque more dispendio precipiat ea perstrui sub pena, &c.

Est etiam ordinatum quod quia non adhuc videbatur expediens communitati imponere contribuciones aliquas vel collectiones debeant leuari de sacco lane viginti sex solidi et viii<sup>to</sup> denarii ad custumas regis et sic proportionaliter de coriis & pellibus custumandis quousque cessatum fuerit a solutione redemptionis vel aliter pro expensis domus regis ordinatis. Et quia in quibusdam partibus non sunt oues sed animalia alia habundant ordinant quod in partibus illis leuetur vna summa martorum ad expensas dicte domus que iuxta visum peritorum de consilio equipolleat oneri quod incumbit lane ouium in custuma.

Ordinatum est discussum et publice proclamatum in presenti parlamento quod omnes processus facti super iudiciis contradictis quorum discussio et determinacio ad parlamentum pertinent presententur cancellario ante parlamentum proximum tenendum. Et quod omnes partes ad proximum parlamentum compareant ad audiendum et recipiendum determinaciones ipsorum. Et discernitur quod ista pre-municio seu proclamacio preualet citationes ac si mitteretur per breue de capella regis.<sup>1</sup>

NOTE F, page 96.

Vniuersis presentes literas inspecturis Johannes de Yle Dominus Insularum salutem in omnium saluatore Cum serenissimus princeps ac dominus meus metuendus dominus Dauid Dei gracia rex Scotorum illustris contra personam meam propter quasdam negligencias meas commissas commotus fuerit propter quod ad ipsius domini mei presenciam apud Villam de Inuernys die quinto decimo mensis Nouembris anno gracie millesimo trecentesimo sexagesimo nono in presencia prelatorum et plurium procerum regni sui accedens humilliter ipsius domini mei voluntati et gracie me optuli et summi de huiusmodi negligenciis remissionem et gratiam suppliciter postulando Cumque idem dominus meus ad instanciam sui consilii me ad suam beneuolenciam et gratiam gracie admiserit concedens insuper quod in possessionibus meis quibuscunque remaneam non amotus nisi secundum processum et exigenciam juris Vniuersitati vestre per presencium seriem pateat euidenter, quod ego Johannes de Yle predictus promitto et manucapio bona fide quod de dampnis iniuriis et grau-

<sup>1</sup> Robertson's Parliamentary Records, p. 112, 113.

minibus per me filios meos et alios quorum nomina in literis regiis de remissione michi concessis plenius exprimuntur, quibuscunque regni fidelibus hucusque illatam satisfaccionem faciam et emendas terras et dominia in subiectis iuste regam et pro posse gubernabo, pacifice filios meos et homines et alios nobis adherentes subici faciam prompte et debite domino nostro regi legibus et consuetudinibus regni sui et iustificabiles fieri, et quod obedient et comparebunt justiciariis, vicecomitatibus, coronatoribus, et aliis ministris regiis, in singulis vicecomitatibus, prout melius et obediencius aliquo tempore bone memorie, domini regis Roberti predecessoris mei : et inhabitantes dictas terras et dominia sunt facere consueti, et quod respondebunt prompte, et debite, ministris regis de contribucionibus et aliis oneribus et serviciis debitis imposterum et eciam de tempore retroacto, et in euentu quod aliquis vel aliqui infra dictas terras seu dominia, deliquerit vel deliquerint contra regem seu aliquos vel aliquem de suis fidelibus et iuri parere contempserit, seu contempserint, aut in premissis vel premissorum aliquo obedire noluerit, vel noluerint, ipsum seu ipsos tanquam inimicum vel inimicos et rebellem seu rebelles regis et regni dolo et fraude omnino remotis statim prosequar toto posse quousque a finibus terrarum et dominiorum expulsus vel expulsi fuerit vel fuerint aut ipsum vel ipsos parere fecero iuri communi, et ad hec omnia et singula facienda implenda et fideliter obseruanda in predictorum prelatorum et procerum presencia corporale prestiti iuramentum ; insuper et dedi et concessi obsides infra scriptos, videlicet Donnaldum, filium meum ex filia domini Senescali Scocie genitum, Anagusium filium quondam Johannis filii mei et Donnaldum quemdam alium filium meum naturalem quos quia tempore confeccionis presentis presentialiter promptos et paratos non habui, ipsos intrare seu reddi faciam apud castrum de Dunbretane ad festum natalis Domini proximo iam futurum si potero alias citra vel ad festum Purificacionis beate Virginis proximo inde sequens sub pena infraccionis prestiti iuramenti et sub pena amissionis omnium que erga dominum nostrum regem amittere potero, quouis modo, ad quorum obsidum intracionem vt premititur faciendam dominum meum dominum Senescallum Scocie Comitem de Stratherne fideiussorem inueni cuius sigillum causa fideiussionis huiusmodi et eciam ad maiorem rei euidenciam vna cum sigillo meo proprio est appensum presentibus in testimonium premissorum Actum et datum anno die et loco predictis.<sup>1</sup>

<sup>1</sup> Robertson's Parliamentary Records, p. 115.

LETTER G, page 118.

In the MS. Cartulary of Kelso, preserved in the valuable collection of the Faculty of Advocates, Edinburgh, is to be found the following interesting and curious Rent-roll of the possessions of that rich religious house, which throws great light on the state of the agriculture of ancient Scotland :—

Rotulus reddituum Monasterii de Kalchou tam de Temporalibus videlicet de antiquis firmis terrarum suarum, in burgis et extra burga, de antiquis exitibus grangiarum et Dominuorum suorum, quam de spiritualibus scilicet de pensionibus debetis in ecclesiis suis et de antiquæ assedatione decimarum suarum ubi sub compendio factus.

*De Temporalibus.*

Habent monachi dicti Monasterii in vicecomitatu de Rokisburg in temporalibus Grangiam de Reveden. cum villa in puram elemosynam : ubi habent dominium in quo colebant per quinque carucas, et ubi possint habere unum gregem ovium matricum circa xx et pasturam ad boves suos. Habent ibi octo terras husbandorum, et unam bovatum terræ, quarum quilibet fecit talia servicia aliquo tempore videlicet. Qualibet septimana in estate unum carragium cum uno equo apud Berwicum et portabit equus tres bollas bladi, vel duas bollas salis, vel unum bollam cum dimidia carbonum, et in hyeme fecerunt idem cariagium, sed non portavit equus nisi duas bollas bladi, unam et dimidiam bollam salis, unam bollam et ferloch carbonum : et qualibet septimana anni cum venerint de Berwic fecit quilibet terra unam dietam de opere sibi injuncto.

Item quum non venerunt apud Berwic coluerunt qualibet septimana per duos dies ; et in autumno quum non venerunt apud Berwic fecerunt tres dietas ; et tunc quilibet husbandus cepit cum terra sua (staht?) scil : duos boves unum equum tres celdras avine, sex bollas ordeï, et tres bollas frumenti. Et postmodum quum Abbas Ricardus mutavit illud servitium in argentum reddiderunt sursum suum staht, et dedit quilibet pro terra sua per annum xviii solidos. \* \* \* \* Habent ibi decem et novem cotagia, quorum octo decem quodlibet reddit per annum xii d. et sex dietas in autumno recipiendo cibos suos ; et adjuvabant circa locionem et tonsionem bidentum pro cibis suis ; et decimum nonum cotagium reddit xviii d. et novem dietas. Item solebant ibi duæ braccine esse, quæ reddebant duas marcas per annum. Habent ibi molendinum quod solebat reddere per annum novem marcas. Habent apud Hauden unam carrucatam terræ quam semper habuerunt in manu sua.

Habent apud Sprouston duas carrucas terræ in Dominio ubi sole-

bant colere cum duabus carucis, cum communi pastura dicte ville ad duodecim boves, quatuor assos et iiii<sup>o</sup> hoggass. Habent ibi unam *bo-vatam* terræ quam Hugo Cay tenuit que solebat reddere per annum x solidos. Habent ibi sex cotagia quarum unum quod est propinquum domui vicarii habet sex acras terræ sibi pertinentes cum braccina que solebat reddere per annum sex solidos. Apud Scottoun habent duas acras terræ et communem pasturam pro iiii<sup>o</sup> multonibus, et habent licenciam fodiendi focale quantum voluerint in illa communia, et solebant haberi unum hominem in molendino ibidem et unum porcum, et ibi solebant molere bladum suum de Colpinhopia, sed nunc quod habent licenciam habendi molendinum apud Colpinhopis et molere bladum suum ad proprium molendinum dabunt annuatim molendino de Schottoun dimidiam marcam.

Habent in tenemento de Yetham juxta molendinum de Colpinhopis tres acras terre cum communi pastura de Yetham quas molendinarius de Colpinhopis solebat tenere, et ibi solebant monachi habere et facere receptaculum bonorum suorum de Colpinhopis quum viderint aliquid periculum ex altera parte. Apud Cliftoun habent septem acras terre quas dnus ecclesie de Mole dedit pro pane benedicto inveniundo.

Habent unam grangiam que vocatur Colpinopis ultra marchiam ubi possint colere cum duabus carucis pro tempore hiemali; et habere pasturam viginti boves et xx<sup>u</sup> vaccas, et post annum deponere sequelam suam, et 7<sup>o</sup> oves matrices et iis alios bidentes.

Apud Molle habent apud Altoriburn l acras terre arabilis et prati cum communi pastura ad iiii<sup>o</sup> bidentes cum libero introitu et exitu, et ad decem boves et iiii assos, et habebunt in bosco de Scrogges stac et flac pro omnibus suis firmandis, et virgas pro reparacione carucarum suarum. \* \* \* \*

Habent villam de Bolden in qua sunt viginti octo terre husbandorum quarum quilibet solebat reddere per annum vi sol. et viii denar. ad pentecostem et Sancti Martini, et faciendo talia servicia. Scil: metendo in autumpno per quatuor dies cum tota familia sua quilibet husbandus et uxor sua; et faciet similiter quintam dietam in autumpno cum duobus hominibus. Et quilibet cariaabit unum plastrum petarum vel pullis usque ad Abbatiam in æstate et non plus. Et quilibet husbandus faciet cariagium per unum equum de Berwick una vice per annum et habebunt victum suum de Monasterio quum faciunt huiusmodi servitium, et quilibet eorum solebat colere quolibet anno ad grangium de Newton unam acram terre, et dimidiam acram, et herciaabit cum uno equo per unum diem, et quilibet inveniet unum hominem in locotione bidentum et alium hominem in tonsione sine victu et respondebunt sibi de forinseco servicio et de aliis Sectis, et cariaabunt bladum in autumpno cum uno plaistro per unum diem, et



cariabunt lanam Abbatis de baronia usque ad Abbatiam et invenient sibi cariagia ultra moram versus Lesmahago. Abbas Ricardus mutavit illud servitium in denar. per assedacionem fratris Willmi de Alincromb. tunc Camerarii Sui.

The limits to which this note must be confined will not allow me to give further extracts from this curious manuscript rental, demonstrating the riches of the early monasteries. It appears, in the concluding pages of it, that Kelso possessed no less than thirty-four churches, the united rents of which amounted to the sum of v<sup>li</sup> lib. xi solid. iiii denarii.

The rental was drawn up previous to 1316.

LETTER H, pages 157, 158, 160.

*Slavery of the Lower Orders.*

In the ancient manuscript Cartulary of Dunfermline, preserved in the library of the Faculty of Advocates, Edinburgh, and page 541 of the Macfarlane transcript, is to be found the deed entitled, "Perambulatio inter terras Abbatis de Dunferm. et terram David Hostiar. scilicet Dunduf. 1231," which illustrates the comparative situation of the higher classes and the lower orders in the thirteenth century. A jury of *probi homines* are therein summoned by the precept of the king, to determine the marches between the lands of David Durward and the domain of the Abbey, who take the evidence of the countrymen residing on the spot, and determine the question. The jury are the freemen; and their names are, with a few exceptions, Saxon and Norman names: the witnesses were evidently the *nativi bondi*, who were the property of their lord; and their names are almost exclusively Celtic.

In the same Cartulary, p. 592, will be found a deed entitled, "Assisa Super Alano, filio Constantini et duobus filiis," by which we find that, in 1340, an assize was held in the churchyard of Kartyl before David Wemyss sheriff of Fife, to determine whether Alan, the son of Constantine, and his two sons, were the property of the Abbot of Dunfermline, or of the Earl of Fife; when it was found, "per fidelem assisam fide dignorum et nobilium," that these persons belonged to the Lord Abbot of Dunfermline. See the same Cartulary, p. 654, for the names of the slaves given by David, probably David the First, to the church of Dunfermline. Their names, Marcoran, Mevynir, Gyllemichael, Malmuren, Gillecrist, Gillemahagu, are, with one or two exceptions, Celtic.

## LETTER I, page 158.

*State of the Lower Orders.*

In the same valuable Cartulary, p. 145, are to be found many genealogies of the slaves, or bondmen, who belonged in property to the monastery, which show how carefully the marriages, the families, and the residence, of this unfortunate class of men were recorded. I shall subjoin one of them :—

*Genealogia Edillblac.*

Edillblac genuit W. de Lathanland, Willmus Constantinum, Constantinus Johannem qui vivit : Iste sunt homines de Dunferm. et remanentes. Gilbertus de Cupromal manet in Balnry in schyra de Rerays. Galfr. de Dumberauch manens apud Dumberauch. Cris-  
tinus filius adæ manens apud Westerurchard Ego filius Gilberte manens in terra Ach de Kynros. Joannes filius Kynect manens apud Walwein, Oenus freberner manens apud hichir mokedi. Patricius frater ejus manens apud Renkelouch Mauricius Colms. manens apud Petyr Kyr.

In other genealogies, the place of the death and burial of the bondman is particularly specified.

## LETTER K, page 314.

*Arms and Armour.*

This assize of arms will be found in the manuscript Cartulary of Aberbrothoc, preserved in the Library of the Faculty of Advocates, Edinburgh. Macfarlane Transcript, p. 295.

Quod quilibet homo de regno laicus habens decem libras in bonis habeat pro corpore suo in defensionem regni unam sufficientem aketonam, unum bacinetum et cyrotecas de guerre, cum lancea et gladio. Et qui non habuerit aketonam et bacinetum habeat unum habergelum, vel unum bonum ferrum pro corpore suo, unum capellum de ferro et cyrotecas de guerra, ita quod quilibet sit paratus cum attyliis predictis citra octavas paschi proxime futuri. Et quecunque habens decem libras in bonis, non habuerit tunc omnia armorum attylia predicta, perdat omnia bona sua. Ita quod dnus rex habeat unam medietatem bonorum, et dnus illius qui in defectu fuerit repertus habeat aliam medietatem. Et dnus rex vult quod singuli vicecomites

regni cum dnis locorum inquirant super his, et faciant monstracionem statim post octavas Paschæ predictas. Præterea dnus rex vult et precipit quod quicunque habens valorem unius vacce in bonis habeat unam bonam lanceam, vel unum bonum arcum, cum uno scafo sagittarum, videlicet viginti quatuor sagittis, cum pertinenciis sub pena prescripta.

LETTER L, page 317.

*Dress of the Ladies.*

I shall give the passage in the original, from the beautiful edition of this interesting and curious poem, published in 1814 by Didot :—

Puis li revest en maintes guises  
 Robes faites par grans maistrises  
 De braus dras de soie, ou de laine  
 De scarlate ou de tirelaine,  
 De vert, de pers ou de brunete  
 De color fresche, fine et nete  
 Ou moult a riches pennes mises  
 Erminees, vaires ou grises  
 Puis les li oste, puis repoie  
 Cum le siet bien robe de soie  
 Cendaus, molequins Arrabis  
 Indes vermaus jaunes, et bis  
 Samis diapres, Camelos  
 Por neant fut ung angelos  
 Tant est de contenance simple  
 Autrefois li met une gimple  
 Et par dessus ung cuevrechief  
 Qui cuevre la gimple et le chief  
 Ains ne cuevre par le visage.  
 Qu'il ne vuet pas tenir l'usage  
 Des Sarrasins, qui d'estamines  
 Cuevre les vis as Sarrasines  
 Quant eus trespasent par le voie  
 Que nuz trespasans ne les voie  
 Tant sunt plein de jalouse rage  
 Autrefois li reprent corage  
 D'oster tout, et de mettre guindes  
 Jaunes, vermeilles, vers et indes.  
 Et tréoeors gentiz et gresles  
 De soie et d'or à menus pesles,  
 Et dessus la crespine atache  
 Une moult precieuse atache  
 Et par dessus la crespinette  
 Une corenne d'or grelete

Ou moult et precieuses pierres,  
 Et biaux chastons a quatre quierres  
 Et a quatre demi-compas  
 Sans ce que ge ne vous cont pas  
 L'autre perrerie menue  
 Qui siet entor espee et drue  
 Et met a ses deus oreillettes  
 Deus verges d'or pendans greletes  
 Et por tenir la cheveçaille  
 Deus fermaus d'or pendans greletes  
 En mi le pis ung en remet  
 Et de li ceindre s'entremet ;  
 Mes c'est d'ung si tres-riche ceint  
 C'onques pucele tel ne ceint.  
 Et pent au ceint une aumosniere  
 Qui moult est precieuse et chiere  
 Et cinq pierres i met petites  
 Du rivage de mer eslites.  
 Dont puceles as martiaus gevent  
 Quant beles et rondes les trevent  
 Et par 'grant ententi li chauce  
 Et ohaun pie soler et chauce  
 Entaillies jolivetement  
 A deus doie du pavement  
 N'ert pas de hosiaus estrenee  
 Car el n'ert pas de Paris nee  
 Trop par fust rude chauceement  
 A pucele de tel jovente  
 D'une aguille bien efilee  
 D'or fin de fil d'or enfilee  
 Li a, por miex estre vestues  
 Ses deux manches estroit cosues  
 Puis li baille fiors novelettes  
 Dont ces jolies puceletes  
 Font en printemps lors chapelez  
 Et pelotes et oiselez  
 Et diverses choses noveles  
 Delitables as damoiseles.  
 Et chapeles de fiors li fait  
 Mes n'en veistes nul si fait  
 Car il met s'entente toute  
 Anelez d'or es dois li bonte  
 Et dit cum firs loiaus espous  
 Bele donie, ci vous espous  
 Et deviens vostres et vous moie  
 Ymeneus et Juno m'oie  
 Qu'il voillent a nos noces estre  
 Ge'ni quier plus ni clere ne prestre,  
 Ne de Prelaz mitres ne croces  
 Car cil sunt li vrai diex des noces.

Pp. 294-298 inclusive, vol. iii.

## LETTER M, p. 322.

It is not conceivable, says Mr Thomson, from whom I have procured some information on this obscure subject, that this claim of the Earl of Douglas could have any other basis than a revival of the right of the Baliol family, whose titles appear to have devolved at this period on the Earl of Douglas. John Baliol, it is well known, left a son, Edward, whom we have seen crowned King of Scotland in 1332, who afterwards died in obscurity, and without children. (*Supra*, vol. i. p. 393, vol. ii. p. 30.) The right of the Baliol family upon this reverted to the descendants of Alexander de Baliol of Kavera, brother of King John Baliol;<sup>1</sup> and we find that, in the reign of David the Second, the representative of this Alexander de Baliol was Isobel de Baliol, Comitissa de Mar, who married Donald, twelfth Earl of Mar. This lady, it appears, by a deed in the *Rotuli Scotiae*, vol. i. p. 708, married, secondly, William de Careswell, who during the minority of her son, Thomas, thirteenth Earl of Mar, Lord of Garryach and Cavers, obtained from Edward the Third "the custody of all the lands which belonged to Isabella the late Countess of Mar his consort." Thomas earl of Mar died without issue, but he left a sister, Margaret, who succeeded her brother, and became Countess of Mar in her own right. She married for her first husband William earl of Douglas, who in her right became Earl of Mar, and, as possessing through her the right of the house of Baliol, upon this ground laid claim to the crown. Winton, vol. ii. p. 304, does not mention the ground upon which the Earl of Douglas disputed the throne with Robert the Second. But the ancient manuscript, entitled "*Extracta ex Chronicis Scotiae*, fol. 225, is more explicit. Its words are, "*Dowglace Willmus Comes manu valida militari, coram eis comparuit allegans jus corone et successionis in regnum ad se ex parte Cuminensium et Balliorum pertinere.*" And this is corroborated by Bower, Fordun a Goodal, vol. ii. p. 382. Douglas's right through his wife we have just explained; and I may refer to a paper on the ancient lordship of Gallo-way, in the ninth volume of the *Archæologia*, p. 49, by Mr Riddell, for an explanation of his title through the Comyns.

<sup>1</sup> Dugdale's Baronage, vol. i. p. 525.

END OF VOL II.

---

EDINBURGH:

Printed by WILLIAM TAIT, 107, Prince's Street.

1000 1000 1000 1000



UNIV. OF MICH.

MAY 13 1908

UNIVERSITY OF MICHIGAN



3 9015 06721 2483



